



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

| | | | |
|---|--|--|------------------------------------|
| MEETING DATE November 3, 2011 | CONTACT/PHONE Bill Robeson, Senior Planner 805-781-5607 | APPLICANT Department of Planning and Building | FILE NO. DRC2010-00070 |
| SUBJECT Hearing to consider a request by TAMMY MURRAY for a Conditional Use Permit to establish a 470 square foot medical marijuana dispensary (MMD) in an existing 931 square foot single family dwelling that is proposed to be converted into a commercial building consisting of 470 square feet of commercial space and 235 square feet of residential space and 226 square feet of shared employee/residential space. A new 75 square foot ADA compliant restroom will also be added. The subject property is 5,500 square feet. The proposed project is within the Commercial Service land use category and is located at 1409 South 4 th Street in the community of Oceano. | | | |
| RECOMMENDED ACTION Deny the request to establish a Medical Marijuana Dispensary Conditional Use Permit DRC2010-00070 based on the findings listed in Exhibit A | | | |
| ENVIRONMENTAL DETERMINATION A Class 3 exemption (ED11-035) was issued on September 23, 2011. | | | |
| LAND USE CATEGORY Commercial Service | COMBINING DESIGNATION N/A | ASSESSOR PARCEL NUMBER 062-291-019 | SUPERVISOR DISTRICT(S) 4 |
| PLANNING AREA STANDARDS: N/A | | | |
| EXISTING USES: Residence | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"><div>North: Commercial Service, residence South: Commercial Service, ministorage</div><div>East: Commercial Service, residence West: 4th street, railroad and Highway 1</div></div> | | | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Sheriff's Department, Public Works, Public Health Department, County Counsel, Oceano Advisory Council, Caltrans | | | |
| TOPOGRAPHY: Nearly Level | | VEGETATION: Landscaping | |
| PROPOSED SERVICES: Community Water: OCSD Community Sewer: OCSD Fire Department: Cal Fire | | ACCEPTANCE DATE: September 7, 2011 | |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242 | | | |

Summary of Issues

The Planning and Building Department has decided to elevate the proposed project from a Minor Use Permit (MUP) to a Conditional Use Permit (CUP) based on the controversial nature of the subject of Medical Marijuana, recent Federal Government involvement, possible community-wide impacts and to allow for a possible exception to a special use standard. The site does not meet the 1,000 foot distance requirement as discussed in the project compliance section below. If your Commission wishes to pursue a waiver or modification of the location standards associated with minimum distance requirements for MMDs, section 22.30.020 of the LUO states, "The standards of this Chapter (4) may be waived or modified through Conditional Use Permit approval...". Therefore, your Commission has the option of denying the CUP as recommend by staff or approving the CUP with the waiver of certain standards along with the appropriate findings (see Exhibit F).

This is a hearing to consider a request for a CUP to establish a Medical Marijuana Dispensary (MMD). The second component, which also requires a CUP, is the request to allow the current structure to become a mixed use building (commercial and residential) along with minor remodels and additions. This CUP has been referred to the Planning Commission for review and decision from the Department of Planning and Building. The application concerning the MMD aspect of the project was referred to the Planning Commission based on concerns raised by members of the community, the Oceano Advisory Council (OAC) and the Sheriff's Department. The main issues are associated with the MMD and concern possible violation of applicable ordinance requirements (location criteria), possible noncompliance with the Attorney General's August 2008 guidelines and increased need for law enforcement and the impact that could have on the Sherriff.

Permit Requirements in Oceano (Inland)

New uses in the Commercial Service land use category that are proposed to occupy existing development, such as the requested caretaker proposal, do not require a MUP or CUP as stated in section 22.106.070, San Luis Bay- Oceano Urban Area Standards, of Title 22, Land Use Ordinance. These types of projects are handled through the "Building Permit" process. The MMD use has a specific section in the ordinance that sets the permit level at MUP or higher level permit (CUP). However, since the request for a caretaker's quarters is part of the overall project proposal, staff has discussed the requirements in this report.

Background (MMD)

In 1996, California voters approved Proposition 215 that exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana. In 2004, Senate Bill 420 became law and enacted the Medical Marijuana Program Act (MMP). The MMP requires the California Department of Public Health to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system.

On August 1, 2006 the Board of Supervisors authorized the San Luis Obispo County Public Health Department (PHD) to implement the State Medical Marijuana Identification Card (MMIC) program. The proposed fee ordinance was introduced on 10/24/2006. The Board of Supervisors adopted the fee schedule on 11/14/2006 and the program commenced on 12/14/2006.

On February 6, 2007, the Board of Supervisors adopted Ordinance Number 3114 relating to the establishment of Medical Marijuana Dispensaries. Since the adoption of this ordinance, there have only been two other MUP applications submitted for processing.

Updated California State Attorney General and Federal Government Involvement

October 7, 2011: four US Attorneys outlined a new enforcement effort that will take effect statewide. The three key components are:

- Pursue civil lawsuits to seize property involved in drug trafficking.
- Send warning letters to owners and lienholders of properties where illegal marijuana sales are suspected of taking place.
- Target commercial marijuana activities by filing criminal charges. In the past month, such cases have been filed in US district courts in Los Angeles, San Diego, Sacramento, and Fresno.

Staff's research shows that the US Department of Justice is targeting large scale and illegal drug trafficking storefronts and distribution centers posed as medical marijuana collectives or cooperatives. According to Justice Department spokeswoman Jessica Smith. "While we wouldn't speculate on what action we might or might not take with respect to any particular matter, the department has made clear that large-scale industrial marijuana cultivation centers are subject to potential federal enforcement action." Staff can not speculate as to the concentration of the federal enforcement actions being relegated to large scale storefronts or distribution centers. These distribution centers are sometimes tied to smaller dispensaries throughout the state. In addition, the DEA targeted a small scale local Medical Marijuana Dispensary in the city of Morro Bay in 2007.

LAND USE ORDINANCE COMPLIANCE

Land Use Ordinance Section: 22.30.225 - General Retail

22.30.225 of the Land Use Ordinance (attached) is the applicable section relating to the establishment of Medical Marijuana Dispensaries in the County (see Exhibit B).

22.30.225.C.1 - Location

The section of the ordinance below, describes the performance standard regarding location. This section is similar to the California Attorney General guidelines issued in August 2008 (see page 6 B. Enforcement Guidelines (1.) Location of Use), however, libraries, parks and playgrounds were added to the County ordinance:

Location. Medical Marijuana Dispensaries shall be located outside of the CBD, a minimum of 1000 feet from any pre-school, elementary school, high school, library, park, playground, recreation or youth center. Distance shall be measured from the building which contains the Medical Marijuana Dispensary to the property line of the enumerated use using a direct straight line measurement.

Project Compliance

Staff has measured the 1,000 foot distance requirement using GeoView, an updated software application used to obtain accurate measurements of distance. This software also allows staff to apply a specific radius around a property. Using this software application, the measurement from the building that contains the MMD to the property line of Oceano Park, resulted in straight line measurement of 922 feet, not meeting the 1,000 foot minimum separation requirement.

Significant separation between the proposed MMD and the park, is provided by Highway 1 and the rail road. There is no pedestrian connection from the park to the MMD and the closest travel distance by vehicle is approximately ¾ of mile.

In addition, the two uses are not visible to each other. From the vantage point of the park the MMD cannot be seen and vice versa. There is substantial topographic elevation change between the subject property and Highway 1. Highway 1 is approximately 15' to 20' higher , acting as a visual and physical barrier between the uses. A condition of the CUP, to continue with a more low visibility business from any vantage point, could be that the signage will be required to be a professional font with no indication of the sale of medical marijuana.

In order to modify the distance standard a finding must be made that the proposed project or use will be consistent or will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development in accordance with LUO Sections 22.62.050.C.1 and 22.62.060.C.4.d (see Exhibit F). In this case, due to the proximity of the park, staff is recommending that the use is not consistent with the character of the immediate neighborhood. However, staff recognizes that the physical separation factors are a compelling and logical argument supporting the concept that the immediate neighborhood is actually the area east of Highway 1. Therefore, consistency with the character of that neighborhood could be justified on that basis.

22.30.225.C.2 - Limitation on use

This section sets forth hours of operation, age requirements, and limits retail sale of paraphernalia and cultivation.

Project Compliance

The applicant's proposal meets all of these limitations as set forth in the ordinance.

22.30.225.C.3 - Employees

The ordinance requires that all staff/employees employed by the dispensary must be 21 years of age or older.

Project Compliance

The applicant's proposal meets this requirement as set forth in the ordinance.

22.30.225.C.4- Security Plan

This section requires that a security plan be submitted with the Conditional Use Permit application. There are requirements for lighting, security cameras, alarm systems and a secure area for the storage of the medical marijuana.

In addition, the Attorney General's guidelines also require that, "Collectives and cooperatives should provide adequate security to ensure that patients are safe and that the surrounding homes or businesses are not negatively impacted by nuisance activity such as loitering or crime."

Project Compliance

In response to the referral sent to the Sheriff's Department, Marsha Mann, County Sheriff Crime Prevention Specialist submitted concerns regarding the need for increased patrol efforts in the areas while public safety resources are already strained. According to the County Sheriff's Department, "...based on a historical need for increased security measures to protect against burglary and /or robbery in locations where medical marijuana dispensaries exist, we anticipate an increased workload in call for service/reported crimes if this project were approved."

The applicant has submitted a plan that lists all the items required by ordinance. In addition, the applicant has submitted a proposal for security services from Sentinel Security Services LLC based out of Pismo Beach that will include a closed circuit TV./,indoor and outdoor digital cameras, burglary system, police monitoring and alarm notification to applicant's cell phone and email. In addition, the applicant has proposed a mixed use component to the CUP which translates into what the LUO defines as a "caretaker". According to the applicant, the caretaker will live on the property as an employee of the MMD while providing close to 24 hour on-site security.

A finding is required by LUO Sections 22.62.050.C.1 and 22.62.060.C.4.c that the establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use (see Exhibit F). There is a concern that even with security plan required by the ordinance along with a caretaker living on the property, given the proximity of residential uses in the area; this use could be detrimental to the safety of persons residing in the neighborhood of the use.

22.30.225.C.5- Displayed notice

Each dispensary is required to display a notice within the dispensary that no persons under the age of 18 are allowed in the dispensary, except in the presence of a parent or guardian and the there is no consumption of medial marijuana allowed in the vicinity of the dispensary.

Project Compliance

If approved, the project would be conditioned up with this requirement.

22.30.225.C.6- Sheriff Notification

If a dispensary is approved, the Sherriff's Department is required to be provided with the name, location and contact information for the owner/operator of the dispensary.

Project Compliance

If approved, the project would be conditioned up with this requirement.

GUIDELINES FOR THE SECURITY AND NON-DIVERSION OF MARIJUANA GROWN FOR MEDICAL USE

California Attorney General issued guidelines in August 2008 for the operation of California's medical marijuana laws (as he is required to do under those laws). The Attorney General's guidelines were formulated to clarify the legal issues of medical marijuana law in California.

This document advises patients on how stay within the confines of state law. It advises law enforcement on how to approach encounters with medical marijuana patients and advises patients, law enforcement, and local communities on what is allowed and what is not allowed with regards to medical marijuana under California law.

The guidelines provide recommendations for operating medical marijuana dispensaries in accordance with state law. Specifically, the Attorney General, states that "...a properly organized and operated collective or cooperative that dispenses medical marijuana through a storefront may be lawful under California law...". The legitimacy of dispensing medical marijuana through a "storefront" has been an open question. Certain types of medical marijuana dispensaries appear to meet the legal criteria set forth by the Attorney General. The legal criteria are connected to the proper organization and operation as a collective or cooperative which is specifically described in sections IV (A) and (B) of the attached guideline document (see Exhibit E).

The Attorney General's guidelines also contain a provision requiring medical marijuana dispensaries to operate on a not-for-profit basis. The Attorney General's guidelines are recommendations and are not binding on any court. However, they provide updated and current direction to state and local law enforcement, judges, and other public officials.

Project Compliance

According to the Attorney General's Guidelines of August, 2008, page 11, section C. Enforcement Guidelines, 1. Storefront Dispensaries, dispensaries that substantially comply with the guidelines set forth in sections IV (A) and (B), are apparently operating lawfully. If approved, the dispensary would need to provide evidence that it is operating as a collective and is also a non-profit business/organization. These legal issues brought about by the Attorney General's Guidelines were applied to the project. With appropriate conditions of approval, Counsel has given staff direction that proposed MMDs would be in compliance with these guidelines.

Residential – Caretaker Units

The caretaker aspect of the proposed project can meet all requirements set forth by the LUO section 22.30.430 – Residential – Caretakers Units. This section requires that:

- the caretaker dwelling be located on the second floor or rear half of the building
 - *site/floor plans show residential portion of building at the rear and second floor of the building*
- and that the size not exceed 50 percent of the floor area of the commercial use.
 - *floor plans show commercial square footage and residential square footage equaling the 50 percent ratio with the provision of shared floor area between residential and commercial. This shared area is mainly the kitchen area which is meant to be a shared break/lunch area during business hours and residential kitchen after hours. Additionally, this request does not require major construction and site disturbance and utilizes an existing structure.*

CONCLUSION

After evaluation of the ordinance standards applicable to the establishment of a MMD, staff found that the proposed project does not meet the location requirement that sets a minimum distance of 1,000 feet from a variety of uses, in this case, a public park. This is a discretionary approval and certain findings are required to be made in accordance with the LUO. One of those findings speaks to neighborhood compatibility and the other to whether the use will be detrimental to the health and safety of people living nearby. This MMD proposal is located in a

Commercial Service land use category but is also adjacent to residences (non-conforming residence in the CS zone). The current ordinance applicable to MMDs does not have a distance requirement from residences or residential neighborhoods.

Staff believes there could be an argument supporting a finding to modify the distance standard. Although the proposed MMD will be 920 feet from a public park, the intent of this regulation was to separate dispensaries from public use facilities/centers where children would be present. The physical separation factors mentioned earlier can be a basis for meeting the intent of the regulation.

COMMUNITY ADVISORY GROUP COMMENTS:

At the time of formulation of this staff report a formal recommendation from the Oceano Advisory Council (OAC) was not been submitted. However, staff met with the OAC on two previous occasions and the OAC voiced reservations concerning public safety and compatibility with the community. Staff will meet with the OAC on October 24, 2011 and a formal recommendation will be forwarded to your Planning Commission as soon as possible.

AGENCY REVIEW:

County Sheriff- "Recommend project to be rejected."

"Because the proposed project site is located in close proximity to residential areas, and obviously presents a problem for the community, and Law Enforcement, we wish to express our opposition to this project."

Public Works- "No concerns. Curb, gutter and sidewalk, road fees drainage, encroachment if applicable will be reviewed by Public Works at the time of building permits for Tenant Improvements."

Caltrans- Initially there was a traffic study requirement from Caltrans staff, however, after a limit had been imposed of 35 clients per day, Caltrans had "no comments".

Cal Fire- Compliance with all applicable fire, safety and building codes (fire protection separation from commercial and residential uses in the structure), fire sprinkler requirements

Building Department – ADA compliance for restroom, path of travel from parking area to main entrance and ADA compliant parking space.

LEGAL LOT STATUS:

The existing property was created by a recorded map at a time when that was a legal method of creating lots.

ATTACHMENTS

Exhibit A - Findings for Denial

Graphics - vicinity map, floor plan and other supporting graphics

Exhibit B - Applicable Land Use Ordinance section - 22.30.225

Attachments continued on next page

Exhibit C - Referral Responses:

- Caltrans
- San Luis Obispo County Sheriff's Department
- County Public Works
- Oceano Advisory Council response pending

Exhibit D – February 19, 2010, Proposal for Security Services: Overland Security Services, LLC

Exhibit E – State of California Attorney General's *August 2008*, "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use"

Exhibit F – Required Findings of Approval for Conditional Use Permits

Exhibit G – Information submitted by the applicant for Commission review

Staff report prepared by Bill Robeson and reviewed by Nancy Orton, Supervising Planner

EXHIBIT B – FINDINGS
Medical Marijuana Dispensary
DRC2009-00044 - MURRAY CONDITIONAL USE PERMIT

CEQA Exemption

- A. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Conditional Use Permit

- B. The proposed project or use is not consistent with the San Luis Obispo County LUO, because the proposed Medical Marijuana Dispensary (MMD) does not meet the minimum distance requirement of 1,000 feet as measured from the property line of an existing Oceano County Park to the building in which the MMD is located. The park is 920 feet from the proposed MMD location. This park contains a large scale play structure, picnic benches, BBQ and open grass area as well as a public bathroom. Therefore, the proposed project does not meet the intent of the ordinance requirement, which was to provide at least 1,000 feet of separation between dispensaries and uses where children would be present.
- C. The establishment and subsequent operation or conduct of the use will, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons (children) in the neighborhood of the use, and be detrimental or injurious to property or improvements in the vicinity of the use.
- D. The proposed project or use will be inconsistent with the character of the immediate neighborhood and contrary to its orderly development because the Medical Marijuana Dispensary would not be located more than 1,000 feet away from any use/business that caters to children. The intent of establishing locational standards in the ordinance was to provide for separation of a use that involves dispensing of a regulated drug.

EXHIBIT B
APPLICABLE LAND USE ORDINANCE SECTION - 22.30.225

22.30.225 - General Retail

This section applies only to Medical Marijuana Dispensaries when proposed in the Commercial Retail or Commercial Service land use categories and outside of the Central Business District (CBD). Other General Retail uses are subject to the land use permit required by 22.06.030 (Table 2-2). A Medical Marijuana Dispensary is defined as a facility where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5 (Proposition 215).

- A. Purpose.** The voters of the State of California affirmed the medical use of marijuana by voting for Proposition 215 (codified as Health & Safety Code Section 11362.5). The intent of this Proposition was to give persons who are in need of medical of marijuana the ability to obtain and use it without fear of criminal prosecution. The specific purpose of this Section is to set standards for this use consistent with neighborhood concerns.
- B. Permit requirements.** Conditional Use Permit approval is required in order to establish a Medical Marijuana Dispensary.
- C. Design and operational standards.**
 - 1. Location.** Medical Marijuana Dispensaries shall be located outside of the CBD, a minimum of 1000 feet from any pre-school, elementary school, high school, library, park, playground, recreation or youth center. Distance shall be measured from the building which contains the Medical Marijuana Dispensary to the property line of the enumerated use using a direct straight line measurement.
 - 2. Limitation on use.**
 - a. Hours of operation are limited to 11:00 a.m. to 6:00 p.m. seven days per week.
 - b. No person under the age of 18 (eighteen) shall be permitted in the Dispensary at any time except in the presence of his/her parent or guardian.
 - c. No retail sales of paraphernalia as defined in Health and Safety Code section 11364.5 are permitted at the Dispensary.
 - d. No cultivation of medical marijuana is permitted at the Dispensary or on Dispensary property.
 - 3. Employees.** All staff/employees employed by the Medical Marijuana Dispensary must be 21 years of age or older.

4. **Security Plan.** A security plan shall be submitted with the Conditional Use Permit Application that includes lighting, security video cameras, alarm systems and secure area for medical marijuana storage. The Security Plan shall include a requirement that there be at least 30 (thirty) business days of surveillance video (that captures both inside and outside images) stored on an ongoing basis. The video system for the security cameras must be located in a locked, tamper-proof compartment.
5. **Displayed notice.** Each Dispensary, inside of the Dispensary itself, shall display in a manner legible and visible to its clientele:
 - a. Notice that persons under the age of 18 (eighteen) are not allowed in the Dispensary except in the presence of his/her parent or guardian;
 - b. Notice that there is no consumption of medical marijuana in the vicinity of the Dispensary.
6. **Sheriff notification.** A condition to establishment of a Medical Marijuana Dispensary shall be notification to the Sheriff's Department informing it of the name, location and contact information for the owner/operator of the Dispensary.

EXHIBIT C
REFERRAL RESPONSES:

- Caltrans
- San Luis Obispo County Sheriff's Department
- County Public Works
- Oceano Advisory Council response pending



Re: Fw: DRC2010-00070 MURRAY, South County E-Referral, (Minor Use
Permit, Medical Marijuana Dispensary, Oceano)
Chris Shaeffer to: brobeson

08/01/2011 01:26 PM

| Sender | Date | Subject |
|--------|------|---------|
| | | |

Hi Bill.

Given the operating hours of 11 - 6 pm as a condition; given that its by appointment only; and if the applicant's discussion is accurate in terms of 15 min / appt +/- , then it appears that 5 customers / hr or 35 / day is a reasonable customer base.

The use does not generate am peak trips.

If the condition is 35 customers / day - Caltrans has no comments.

Thanks.

Chris Shaeffer
Caltrans Dist 5
Development Review
(805) 549.3632

<brobeson@co.slo.
ca.us>

08/01/2011 12:13
PM

Chris Shaeffer
<chris_shaeffer@dot.ca.gov>

To

cc

Subject

Re: Fw: DRC2010-00070 MURRAY, South
County E-Referral, (Minor Use
Permit, Medical Marijuana
Dispensary, Oceano)

Chris:

Tammy Murray/ Compassionate Cannabis Information Center Inc.

Tammysccic@gmail.com

Cal Trans:

Hello! Thank you for your time in evaluating possible increased traffic for the Proposed Cannabis Club in Oceano at 1409 S. 4th Street.

The Club in Goshen is very similar as far as being close to a major artery and having a large service area. The Goshen club does not get bombarded by club members to a point when there may be traffic concerns. There is a steady stream of patrons particularly at the beginning of the month when people obtain their disability payments and on Friday afternoons.

The Oceano club will be by appointment only. Members need 15 minutes or less for their transactions and Vendors (who are also members) tend to need 20 minutes or so.

For the purpose of projections, I predict that there will be about 28 to 50 members a day who will visit our club. Some will be commuting together in one car. Unless, the member needs special consultation, each transaction will be less than 15 minutes in length. Typically, members are in and out and there will be absolutely no lingering patrons.

The hours are from 11am to 6pm. There will be no disruptions for morning traffic and evening traffic should not be a problem whatsoever.

If traffic becomes an issue, my resolve would be to locate another club at the area needing safe access for medicinal marijuana users or to establish a bus stop nearby for disabled people. This makes more sense since many of our patrons do not drive.

Please let me know if there is anything I can do to help this process along.

Thank you,

Tammy Murray, CEO/Director CCIC



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 5/25/2011

TO: SHERIFF'S OFFICE

FROM: Bill Robeson, South County Team

PROJECT DESCRIPTION: DRC2010-00070 MURRAY- Minor Use Permit for the conversion of an existing SFR resulting in 470 sf to be used as a medical marijuana dispensary, leaving 461 sf of remaining residential space. Site located off 4th Street in Cayucos. APN: 062-291-019.

Return this letter with your comments attached no later than: 14 days from receipt of this referral.
CACs please respond within 60 days. Thank you.

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ YES
☐ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

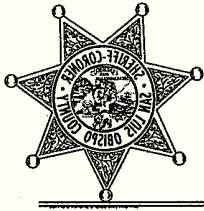
IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Recommend project to be Rejected
See Attached.

Date 6/7/11

Name Martín J. Basn
MARTIN J. BASN
URBAN SURVEYOR

Phone 781-4544



Ian Parkinson
Sheriff-Coroner
1585 Kansas Avenue
San Luis Obispo, CA 93405

DATE: June 2, 2011

TO: Bill Robeson, Inland Team
Department of Planning and Building
San Luis Obispo County

RE: Part II – Significant Concerns for Project Referral

PROJECT DESCRIPTION: DRC2010-00070 Murray MUP
APN: 062-291-019

PATROL REGION: South

COMMUNITY: Oceano

Law enforcement needs for the unincorporated area of San Luis Obispo County are served by the Sheriff's Department. San Luis Obispo County encompasses 3,250 square miles of which sixty-six miles are incorporated (City) and served by police departments.

The South Patrol Station (responsible for the proposed project site) is located at 1681 Front Street, Oceano. The South Station serves the communities of Oceano, Nipomo, Huasna, rural Arroyo Grande, New Cuyama, and Lopez Lake. South Station deputies work in a demanding environment and handle a high volume of calls.

Because the proposed project site is located in close proximity to residential areas, and obviously presents a problem for the community, and Law Enforcement, we wish to express opposition to this project. Based on a historical need for increased security measures to protect against burglary and/or robbery in locations where medical marijuana dispensaries exist, we anticipate an increased workload in calls for service and reported crimes if this project were approved.

During the past two years, in San Luis Obispo County, there have been over a dozen home invasion robberies and two homicides directly related to medical marijuana. Based on current staffing and equipment levels, The San Luis Obispo County Sheriff's Office would be unable to meet the need for increased patrol efforts to this location with resources already strained. The project fails to identify a business plan which outlines how they will comply with the requirements set forth in Prop 215. It is our opinion that this project should be rejected.

Respectfully Submitted,

Marsha Mann – Crime Prevention Specialist
San Luis Obispo County Sheriff's Department
805-781-4483



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 5/25/2011

FR TO:

RECEIVED

By Public Works at 7:30 am, May 27, 2011

TO FROM: Bill Robeson, South County Team

PROJECT DESCRIPTION: DRC2010-00070 MURRAY- Minor Use Permit for the conversion of an existing SFR resulting in 470 sf to be used as a medical marijuana dispensary, leaving 461 sf of remaining residential space. Site located off 4th Street in Cayucos. APN: 062-291-019.

NO

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES
☒ NO

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO CONCERNS. ALTHOUGH WE SUPPORT CALTRANS REQUEST FOR
TRAFFIC INFORMATION & IMPR RAVEN (4th & SR1)

Date

6.1.11

Name

Glen Marshall

Phone

781 1596

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>



To: Ryan Chapman/PubWorks/COSLO, Frank Honeycutt/PubWorks/COSLO,
Cc:
Bcc:
Subject: Fw: DRC2010-00070 MURRAY, South County E-Referral, (Minor Use Permit, Medical Marijuana Dispensary, Oceano)
From: Glenn D Marshall/PubWorks/COSLO - Friday 05/27/2011 03:38 PM

Is PW in agreement with Caltrans?
-Glenn

Glenn Marshall, RCE
Development Services Engineer
County of San Luis Obispo Public Works Department
County Government Center, Room 208
San Luis Obispo, CA 93408
ph: 805-781-1596 / fax: 805-781-1229
email: gdmarshall@co.slo.ca.us
----- Forwarded by Glenn D Marshall/PubWorks/COSLO on 05/27/2011 03:38 PM -----

From: Chris Shaeffer <chris_shaeffer@dot.ca.gov>
To: <brobeson@co.slo.ca.us>
Cc: <gdmarshall@co.slo.ca.us>, Frank Boyle <frank_boyle@dot.ca.gov>
Date: 05/27/2011 03:27 PM
Subject: DRC2010-00070 MURRAY, South County E-Referral, (Minor Use Permit, Medical Marijuana Dispensary, Oceano)

Mr. Robeson,

Caltrans strongly suggests the applicant conduct a traffic study for this proposed project. It appears that this would be the only one of its kind (which should be validated) between Santa Barbara and Santa Cruz; and the central valley.

Anecdotal evidence and observation suggest that this type of use is an attractor that is greatly underestimated. Trip generation may be greatly disproportional to the square footage.

The study should be peer and context based. That is, find 2 - 4 similar facilities in the same context - being the only draw for many miles around, and having a two lane arterial such as SR 1 being the only regional / local connector. So for instance, a like dispensary in Santa Cruz or Fresno wouldn't necessarily be in the same context because customers have multiple point of purchase choices. A possible workaround would be to consolidate the trip generated numbers in that type of location and analyze effects if there were only one dispensary available.

The study should include weekends because of the heavy weekend attraction of the 5 Cities and the Pismo Dunes.

Caltrans staff is concerned that an underestimated trip generation and assignment will not adequately disclose the impacts to the SR 1 / 4th St

intersection nor the SR 1 segment in the area. Special attention should include pedestrian and bicycle mobility, particularly these modes and their crossing of the RR and SR 1 to and from the facility.

Please don't hesitate to contact me if you have any questions.

Chris Shaeffer
Caltrans Dist 5
Development Review
(805) 549.3632

intersection nor the SR 1 segment in the area. Special attention should include pedestrian and bicycle mobility, particularly these modes and their crossing of the RR and SR 1 to and from the facility.

Please don't hesitate to contact me if you have any questions.

Chris Shaeffer
Caltrans Dist 5
Development Review
(805) 549.3632

July 21, 2011

Dear Supervisor Patterson,

My name is Dale Esposito and I am a 35 year resident of Oceano. I have recently become aware that a medical marijuana dispensary is being considered to open in Oceano, at 1409 South Fourth Street. Oceano has always been a tight-knit community who cares about the well being of its residents and their safety. Over the years there has been an increase in crime, including gang and vagrant activity which keep our community law officers busy. We have worked closely with the authorities to keep Oceano safe. One of our fears is that bringing in the dispensary will invite more undesirables and increase criminal activity inevitably costing Oceano more money and man hours to address possible theft and break-ins, in, or around, the dispensary. According to research obtained from the National Center for Victims of Crime, "Drug use is more closely linked to robbery and property crime than to violent crime."

In addition to crime, there are potential safety concerns. It should be noted that there is a school located 3 blocks from the possible dispensary site, on Pike Street, where school children will be walking back and forth. I recognize that medical dispensaries are intended for medical purposes *only*, but I think you would agree that abuse of that system is wide-spread.

For the safety of our community, I urge you to reconsider opening a medical marijuana dispensary in our neighborhood.

Thank you for your consideration.

Dale Esposito
300 Utah Street
Oceano, CA 93445.

EXHIBIT D
PROPOSAL FOR SECURITY SERVICES: SENTINEL SECURITY SERVICES, LLC

Document on the following pages



Sentinel Security Solutions, LLC
Phone: 805-773-6100 Fax: 805-773-6101
PO Box 247, Pismo Beach, CA 93448
www.SentinelSecuritySolutions.com

ACO # 6815
C10 #941457

Contract #: CA-10736
Billing #:
Sale #:
C.S. #:

COMMERCIAL CUSTOMER AGREEMENT

This AGREEMENT is made this 25th day of MAY, 20 11 by and between
Sentinel Security Solutions, LLC ("COMPANY") and;

Name COMPASSIONATE CANNABIS INFO CENTER, INC. (C.C.I.C.) ("CLIENT") Phone: _____

ATTN: TAMMY MURRAY Fax: _____

Ownership Form: ☒ Corporation ☐ Partnership ☐ Sole Proprietor ☐ LLC

Install at 1409 South 4th St. OCEANO CA 93445
Address City State Zip

☐ Bill Above ☐ Bill To Other

EQUIPMENT: ☐ COMPANY OWNED ☒ CLIENT OWNED ☒ LEASE TO OWN: 3 months

Subject to the terms and conditions hereinafter set forth, COMPANY agrees to sell and install the equipment
as listed in the SCHEDULE OF DETECTION attached, COMPANY further agrees to provide

MONITORING / SERVICES as specified below.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Burglary System | <input checked="" type="checkbox"/> Police Monitoring |
| <input type="checkbox"/> Fire System | <input type="checkbox"/> Fire Monitoring |
| <input checked="" type="checkbox"/> C.C.T.V. System | <input checked="" type="checkbox"/> Alarm.com |
| <input checked="" type="checkbox"/> 3 Year Warranty | <input checked="" type="checkbox"/> AT&T <input type="checkbox"/> T-Mobile |
| <input type="checkbox"/> Ext. Service Program | <input checked="" type="checkbox"/> Login: |
| <input type="checkbox"/> Key Service | <input checked="" type="checkbox"/> Email: |
| <input type="checkbox"/> | |

The CLIENT agrees to pay for the installation and MONITORING / SERVICES as follows:

| | | |
|--|---|---------------------------|
| MONITORING / SERVICES (Per Month) | INSTALLATION COST \$ <u>4,707 (LTV)</u> | CC# |
| \$ <u>301.00 (ALARM)</u> | SALES TAX \$ <u>1,694 (ALARM)</u> | EXP. |
| BILLED: <input type="checkbox"/> MONTHLY | MONITORING \$ <u>1,300 (LABOR)</u> | NAME <u>C.C.I.C. INC.</u> |
| <input checked="" type="checkbox"/> QUARTERLY | TOTAL COST \$ <u>8,451.00</u> | CK# <u>1717</u> |
| <input type="checkbox"/> SEMI-ANNUALLY | LESS DEPOSIT \$ <u>3,000</u> | DATE <u>5-24-11</u> |
| <input type="checkbox"/> ANNUALLY | BALANCE DUE* \$ <u>5,451.00</u> | CASH |
| <input type="checkbox"/> Auto Bill: Credit Card or ACH | | |

Email address for credit card receipts: _____

THIS AGREEMENT IS FOR A TERM OF FIVE YEARS

*BALANCE DUE UPON COMPLETION OF INSTALLATION FOR ACTIVATION OF SYSTEM.

THIS AGREEMENT IS NOT BINDING UNLESS APPROVED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF COMPANY. IN THE EVENT OF FAILURE OF SUCH APPROVAL, THE ONLY LIABILITY OF COMPANY SHALL BE TO RETURN TO THE CLIENT THE AMOUNT, IF ANY, PAID TO THE COMPANY UPON SIGNING OF THIS AGREEMENT. IF WORK CANNOT BE COMPLETED DUE TO CONDITIONS BEYOND THE CONTROL OF COMPANY, PROGRESS PAYMENTS WILL BE MADE AS PORTIONS OF THE INSTALLATIONS ARE SUPPLIED OR COMPLETED.

COMPANY MAKES NO GUARANTEE, REPRESENTATION OR WARRANTY EXCEPT AS SET FORTH IN PARAGRAPH 17 ON THE REVERSE SIDE.

TELEPHONE COMPANY, STATE, COUNTY AND/OR CITY PERMIT FEES ARE TO BE PAID BY CLIENT.

CLIENT ACKNOWLEDGES THAT COMPANY'S LIABILITY FOR DAMAGES SUFFERED BY CLIENT ARE LIMITED AND LIQUIDATED AS SET FORTH HEREIN. CLIENT MAY OBTAIN FROM COMPANY A HIGHER LIMITATION OF COMPANY'S LIABILITY, IF AVAILABLE, BY PAYING AN ADDITIONAL PERIODIC CHARGE TO COMPANY, SEE PARAGRAPH 18D.

SOME STATES DO NOT ALLOW LIMITATIONS ON HOW LONG AN IMPLIED WARRANTY LASTS OR THE EXCLUSION OR THE LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE LIMITATION OR EXCLUSIONS MAY NOT APPLY TO YOU. THIS WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS AND YOU MAY ALSO HAVE OTHER RIGHTS WHICH MAY VARY FROM STATE TO STATE.

CLIENT MAY CANCEL THIS AGREEMENT BY MAILING A NOTICE TO COMPANY. THIS NOTICE MUST INDICATE THAT THE CLIENT DOES NOT WANT THE GOODS OR SERVICES AND MUST BE POSTMARKED BEFORE MIDNIGHT OF THE THIRD BUSINESS DAY FROM THE DATE OF THIS AGREEMENT.

Initial

THIS IS A CONTRACT - PLEASE READ FRONT AND BACK CAREFULLY BEFORE SIGNING.

COMPANY

By: _____
Sales Representative

Date: 25-24-11

Approved: _____

Date: _____
Sales Manager

CLIENT

By: _____
Individually and on the behalf of the above named client

Date: 25-24-11

Thank You For Your Business!



Sentinel Security Solutions, LLC
Phone: 805-773-6100 Fax 805-773-6101 ACO # 6815
PO Box 247, Pismo Beach, CA 93448 CIO #941457
www.sentinelsecuritysolutions.com

Contract #: CA-10736
Billing #: _____
Sale #: _____
C.S. #: _____

PROPOSED SCHEDULE OF DETECTION

Compassionate Cannabis Information Center, Inc. – IP Camera's
1409 South 4th Street
Oceano, CA
ATTN: Tammy Murray

Install:

| | |
|--|----------------|
| 1 – VivoTek 8 Channel NVR w/ 8 port POE and built in Switch. | \$ 1,265.00 |
| 1 – NVR Lockbox Vandal Enclosure w/ Built in Fan, 21"x21"x8" [REDACTED] | \$ 125.00 |
| 1 – ESata 1TB HDD | \$ 115.00 |
| 6 – VivoTek, Indoor Dome Digital IP Camera's, Expandable Micro SD Slot One MegaPixel 3.6 mm Fixed Lens W/ LED IR Illuminator's, 1280x800 Resolution *Lobby Camera *Front Door Camera (WDR) *Residential Hall *Cannabis Room (2) *Safe Room | \$ 425.00 Each |
| 2 – VivoTek, Vandal Outdoor Bullet Digital IP Camera's, Expandable Micro SD Slot One MegaPixel 3.6 mm Fixed Lens W/ LED IR Illuminator's, 1280x800 Resolution *Front *Back | \$350.00 Each |
| 2000' UTP Cat5E Cabling | \$250.00 |
| Labor – 16 hours @ \$85 per hour to run all wiring, mount camera's, Configure and set-up network | \$1,360.00 |

Customer must provide computer with Windows7 at location for playback and viewing min 4GB RAM

Price Includes:

| | |
|----------------------|-------------------|
| *Installation | *Signs & Stickers |
| *Three Year Warranty | *Sentinel Bucks |

Purchase Price:

| | |
|------------------|-----------|
| \$4,705.00 + Tax | Equipment |
| \$1,360 | Labor |

COMPANY

By: [Signature]
Sales Representative
Date: 05-24-11

CLIENT CCIC

By: [Signature]
Individually and on the behalf of the above named client
Date: 5-24-11

Approved: _____
Sales Manager
Date: _____

Thank You For Your Business!



Sentinel Security Solutions, LLC
Phone: 805-773-6100 Fax: 805-773-6101 ACO # 6815
PO Box 247, Pismo Beach, CA 93448 CIO #941457
www.sentinelsecuritysolutions.com

Contract #: 2A-10736
Billing #: _____
Sale #: _____
C.S. #: _____

PROPOSED SCHEDULE OF DETECTION

Compassionate Cannabis Information Center, Inc.
1409 South 4th Street
Oceano, CA
ATTN: Tammy Murray

Install:

- 1 – Master Control Panel (2Gig)
- 1 – 2Gig Color Touch Screen Interface Keypad
 - *w/ Local Weather Display
- 1 – GSM Cellular Digital Communicator
 - *With remote access using internet or smart phone (Arm/Disarm, Reports, Etc.)
- 1 – Transformer & Battery Back Up
- 1 – Indoor Audible Siren
- 1 – 2Gig Remote Entry Keychain
- 3 – 2Gig Wireless Panic Buttons w/ Mountable and Wearable Hardware
 - *Lobby
 - *Cannabis Room
 - *Upstairs Apartment
- 4 – 2Gig Wireless Motion Detector's
 - *Front Lobby Motion 1
 - *Front Lobby Motion 2
 - *Cannabis Room Motion
 - *Safe Room Motion
- 3 – 2Gig Wireless Door Contacts
 - *Front Door
 - *Safe Room Door
 - *Cannabis Room Door
- 2 – Kwikset Z-wave Deadbolt w/ remote controllable options, Key Coded Front.
 - *Front Door Deadbolt
 - *Back Door Deadbolt

To Demo our Virtual Keypad Please Visit www.sentinelsecuritysolutions.com

Price Includes:

- *Installation
- *Three Year Warranty
- *Signs & Stickers
- *Sentinel Bucks

Purchase Price:

\$1,689.00 + Tax
\$39.95 Monthly Monitoring Fee

COMPANY

By: [Signature]
Sales Representative
Date: 05-24-11

CLIENT CCIC
By: [Signature]
Individually and on the behalf of the above named client
Date: 5-24-11

Approved: _____
Sales Manager
Date: _____

Thank You For Your Business!

EXHIBIT E

State of California Attorney General's *August 2008*, "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use"

Document on the following pages



**GUIDELINES FOR THE SECURITY AND NON-DIVERSION
OF MARIJUANA GROWN FOR MEDICAL USE**
August 2008

In 1996, California voters approved an initiative that exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana. In 2003, the Legislature enacted additional legislation relating to medical marijuana. One of those statutes requires the Attorney General to adopt "guidelines to ensure the security and nondiversion of marijuana grown for medical use." (Health & Saf. Code, § 11362.81(d).¹) To fulfill this mandate, this Office is issuing the following guidelines to (1) ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets, (2) help law enforcement agencies perform their duties effectively and in accordance with California law, and (3) help patients and primary caregivers understand how they may cultivate, transport, possess, and use medical marijuana under California law.

I. SUMMARY OF APPLICABLE LAW

A. California Penal Provisions Relating to Marijuana.

The possession, sale, cultivation, or transportation of marijuana is ordinarily a crime under California law. (See, e.g., § 11357 [possession of marijuana is a misdemeanor]; § 11358 [cultivation of marijuana is a felony]; Veh. Code, § 23222 [possession of less than 1 oz. of marijuana while driving is a misdemeanor]; § 11359 [possession with intent to sell any amount of marijuana is a felony]; § 11360 [transporting, selling, or giving away marijuana in California is a felony; under 28.5 grams is a misdemeanor]; § 11361 [selling or distributing marijuana to minors, or using a minor to transport, sell, or give away marijuana, is a felony].)

B. Proposition 215 - The Compassionate Use Act of 1996.

On November 5, 1996, California voters passed Proposition 215, which decriminalized the cultivation and use of marijuana by seriously ill individuals upon a physician's recommendation. (§ 11362.5.) Proposition 215 was enacted to "ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana," and to "ensure that patients and their primary caregivers who obtain and use marijuana for

¹ Unless otherwise noted, all statutory references are to the Health & Safety Code.

medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.” (§ 11362.5(b)(1)(A)-(B).)

The Act further states that “Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient’s primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or verbal recommendation or approval of a physician.” (§ 11362.5(d).) Courts have found an implied defense to the transportation of medical marijuana when the “quantity transported and the method, timing and distance of the transportation are reasonably related to the patient’s current medical needs.” (*People v. Trippet* (1997) 56 Cal.App.4th 1532, 1551.)

C. Senate Bill 420 - The Medical Marijuana Program Act.

On January 1, 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP), became law. (§§ 11362.7-11362.83.) The MMP, among other things, requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system. Medical marijuana identification cards are intended to help law enforcement officers identify and verify that cardholders are able to cultivate, possess, and transport certain amounts of marijuana without being subject to arrest under specific conditions. (§§ 11362.71(e), 11362.78.)

It is mandatory that all counties participate in the identification card program by (a) providing applications upon request to individuals seeking to join the identification card program; (b) processing completed applications; (c) maintaining certain records; (d) following state implementation protocols; and (e) issuing DPH identification cards to approved applicants and designated primary caregivers. (§ 11362.71(b).)

Participation by patients and primary caregivers in the identification card program is voluntary. However, because identification cards offer the holder protection from arrest, are issued only after verification of the cardholder’s status as a qualified patient or primary caregiver, and are immediately verifiable online or via telephone, they represent one of the best ways to ensure the security and non-diversion of marijuana grown for medical use.

In addition to establishing the identification card program, the MMP also defines certain terms, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. (§§ 11362.7, 11362.77, 11362.775.)

D. Taxability of Medical Marijuana Transactions.

In February 2007, the California State Board of Equalization (BOE) issued a Special Notice confirming its policy of taxing medical marijuana transactions, as well as its requirement that businesses engaging in such transactions hold a Seller’s Permit. (<http://www.boe.ca.gov/news/pdf/medseller2007.pdf>.) According to the Notice, having a Seller’s Permit does not allow individuals to make unlawful sales, but instead merely provides a way to remit any sales and use taxes due. BOE further clarified its policy in a

June 2007 Special Notice that addressed several frequently asked questions concerning taxation of medical marijuana transactions. (<http://www.boe.ca.gov/news/pdf/173.pdf>.)

E. Medical Board of California.

The Medical Board of California licenses, investigates, and disciplines California physicians. (Bus. & Prof. Code, § 2000, et seq.) Although state law prohibits punishing a physician simply for recommending marijuana for treatment of a serious medical condition (§ 11362.5(c)), the Medical Board can and does take disciplinary action against physicians who fail to comply with accepted medical standards when recommending marijuana. In a May 13, 2004 press release, the Medical Board clarified that these accepted standards are the same ones that a reasonable and prudent physician would follow when recommending or approving any medication. They include the following:

1. Taking a history and conducting a good faith examination of the patient;
2. Developing a treatment plan with objectives;
3. Providing informed consent, including discussion of side effects;
4. Periodically reviewing the treatment's efficacy;
5. Consultations, as necessary; and
6. Keeping proper records supporting the decision to recommend the use of medical marijuana.

(http://www.mbc.ca.gov/board/media/releases_2004_05-13_marijuana.html.)

Complaints about physicians should be addressed to the Medical Board (1-800-633-2322 or www.mbc.ca.gov), which investigates and prosecutes alleged licensing violations in conjunction with the Attorney General's Office.

F. The Federal Controlled Substances Act.

Adopted in 1970, the Controlled Substances Act (CSA) established a federal regulatory system designed to combat recreational drug abuse by making it unlawful to manufacture, distribute, dispense, or possess any controlled substance. (21 U.S.C. § 801, et seq.; *Gonzales v. Oregon* (2006) 546 U.S. 243, 271-273.) The CSA reflects the federal government's view that marijuana is a drug with "no currently accepted medical use." (21 U.S.C. § 812(b)(1).) Accordingly, the manufacture, distribution, or possession of marijuana is a federal criminal offense. (*Id.* at §§ 841(a)(1), 844(a).)

The incongruity between federal and state law has given rise to understandable confusion, but no legal conflict exists merely because state law and federal law treat marijuana differently. Indeed, California's medical marijuana laws have been challenged unsuccessfully in court on the ground that they are preempted by the CSA. (*County of San Diego v. San Diego NORML* (July 31, 2008) --- Cal.Rptr.3d ---, 2008 WL 2930117.) Congress has provided that states are free to regulate in the area of controlled substances, including marijuana, provided that state law does not positively conflict with the CSA. (21 U.S.C. § 903.) Neither Proposition 215, nor the MMP, conflict with the CSA because, in adopting these laws, California did not "legalize" medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law when a physician has recommended its use to treat a serious medical condition. (See *City of Garden Grove v. Superior Court (Kha)* (2007) 157 Cal.App.4th 355, 371-373, 381-382.)

In light of California's decision to remove the use and cultivation of physician-recommended marijuana from the scope of the state's drug laws, this Office recommends that state and local law enforcement officers not arrest individuals or seize marijuana under federal law when the officer determines from the facts available that the cultivation, possession, or transportation is permitted under California's medical marijuana laws.

II. DEFINITIONS

A. **Physician's Recommendation:** Physicians may not prescribe marijuana because the federal Food and Drug Administration regulates prescription drugs and, under the CSA, marijuana is a Schedule I drug, meaning that it has no recognized medical use. Physicians may, however, lawfully issue a verbal or written recommendation under California law indicating that marijuana would be a beneficial treatment for a serious medical condition. (§ 11362.5(d); *Conant v. Walters* (9th Cir. 2002) 309 F.3d 629, 632.)

B. **Primary Caregiver:** A primary caregiver is a person who is designated by a qualified patient and "has consistently assumed responsibility for the housing, health, or safety" of the patient. (§ 11362.5(e).) California courts have emphasized the consistency element of the patient-caregiver relationship. Although a "primary caregiver who consistently grows and supplies . . . medicinal marijuana for a section 11362.5 patient is serving a health need of the patient," someone who merely maintains a source of marijuana does not automatically become the party "who has consistently assumed responsibility for the housing, health, or safety" of that purchaser. (*People ex rel. Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1390, 1400.) A person may serve as primary caregiver to "more than one" patient, provided that the patients and caregiver all reside in the same city or county. (§ 11362.7(d)(2).) Primary caregivers also may receive certain compensation for their services. (§ 11362.765(c) ["A primary caregiver who receives compensation for actual expenses, including reasonable compensation incurred for services provided . . . to enable [a patient] to use marijuana under this article, or for payment for out-of-pocket expenses incurred in providing those services, or both, . . . shall not, on the sole basis of that fact, be subject to prosecution" for possessing or transporting marijuana].)

C. **Qualified Patient:** A qualified patient is a person whose physician has recommended the use of marijuana to treat a serious illness, including cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief. (§ 11362.5(b)(1)(A).)

D. **Recommending Physician:** A recommending physician is a person who (1) possesses a license in good standing to practice medicine in California; (2) has taken responsibility for some aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient; and (3) has complied with accepted medical standards (as described by the Medical Board of California in its May 13, 2004 press release) that a reasonable and prudent physician would follow when recommending or approving medical marijuana for the treatment of his or her patient.

III. GUIDELINES REGARDING INDIVIDUAL QUALIFIED PATIENTS AND PRIMARY CAREGIVERS

A. State Law Compliance Guidelines.

1. **Physician Recommendation:** Patients must have a written or verbal recommendation for medical marijuana from a licensed physician. (§ 11362.5(d).)

2. **State of California Medical Marijuana Identification Card:** Under the MMP, qualified patients and their primary caregivers may voluntarily apply for a card issued by DPH identifying them as a person who is authorized to use, possess, or transport marijuana grown for medical purposes. To help law enforcement officers verify the cardholder's identity, each card bears a unique identification number, and a verification database is available online (www.calmmp.ca.gov). In addition, the cards contain the name of the county health department that approved the application, a 24-hour verification telephone number, and an expiration date. (§§ 11362.71(a); 11362.735(a)(3)-(4); 11362.745.)

3. **Proof of Qualified Patient Status:** Although verbal recommendations are technically permitted under Proposition 215, patients should obtain and carry written proof of their physician recommendations to help them avoid arrest. A state identification card is the best form of proof, because it is easily verifiable and provides immunity from arrest if certain conditions are met (see section III.B.4, below). The next best forms of proof are a city- or county-issued patient identification card, or a written recommendation from a physician.

4. Possession Guidelines:

a) **MMP:**² Qualified patients and primary caregivers who possess a state-issued identification card may possess 8 oz. of dried marijuana, and may maintain no more than 6 mature or 12 immature plants per qualified patient. (§ 11362.77(a).) But, if "a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's medical needs, the qualified patient or primary caregiver may possess an amount of marijuana consistent with the patient's needs." (§ 11362.77(b).) Only the dried mature processed flowers or buds of the female cannabis plant should be considered when determining allowable quantities of medical marijuana for purposes of the MMP. (§ 11362.77(d).)

b) **Local Possession Guidelines:** Counties and cities may adopt regulations that allow qualified patients or primary caregivers to possess

² On May 22, 2008, California's Second District Court of Appeal severed Health & Safety Code § 11362.77 from the MMP on the ground that the statute's possession guidelines were an unconstitutional amendment of Proposition 215, which does not quantify the marijuana a patient may possess. (See *People v. Kelly* (2008) 163 Cal.App.4th 124, 77 Cal.Rptr.3d 390.) The Third District Court of Appeal recently reached a similar conclusion in *People v. Phomphakdy* (July 31, 2008) --- Cal.Rptr.3d ---, 2008 WL 2931369. The California Supreme Court has granted review in *Kelly* and the Attorney General intends to seek review in *Phomphakdy*.

medical marijuana in amounts that exceed the MMP's possession guidelines. (§ 11362.77(c).)

c) **Proposition 215:** Qualified patients claiming protection under Proposition 215 may possess an amount of marijuana that is "reasonably related to [their] current medical needs." (*People v. Trippet* (1997) 56 Cal.App.4th 1532, 1549.)

B. Enforcement Guidelines.

1. **Location of Use:** Medical marijuana may not be smoked (a) where smoking is prohibited by law, (b) at or within 1000 feet of a school, recreation center, or youth center (unless the medical use occurs within a residence), (c) on a school bus, or (d) in a moving motor vehicle or boat. (§ 11362.79.)

2. **Use of Medical Marijuana in the Workplace or at Correctional Facilities:** The medical use of marijuana need not be accommodated in the workplace, during work hours, or at any jail, correctional facility, or other penal institution. (§ 11362.785(a); *Ross v. RagingWire Telecomms., Inc.* (2008) 42 Cal.4th 920, 933 [under the Fair Employment and Housing Act, an employer may terminate an employee who tests positive for marijuana use].)

3. **Criminal Defendants, Probationers, and Parolees:** Criminal defendants and probationers may request court approval to use medical marijuana while they are released on bail or probation. The court's decision and reasoning must be stated on the record and in the minutes of the court. Likewise, parolees who are eligible to use medical marijuana may request that they be allowed to continue such use during the period of parole. The written conditions of parole must reflect whether the request was granted or denied. (§ 11362.795.)

4. **State of California Medical Marijuana Identification Cardholders:** When a person invokes the protections of Proposition 215 or the MMP and he or she possesses a state medical marijuana identification card, officers should:

a) Review the identification card and verify its validity either by calling the telephone number printed on the card, or by accessing DPH's card verification website (<http://www.calmmp.ca.gov>); and

b) If the card is valid and not being used fraudulently, there are no other indicia of illegal activity (weapons, illicit drugs, or excessive amounts of cash), and the person is within the state or local possession guidelines, the individual should be released and the marijuana should not be seized. Under the MMP, "no person or designated primary caregiver in possession of a valid state medical marijuana identification card shall be subject to arrest for possession, transportation, delivery, or cultivation of medical marijuana." (§ 11362.71(e).) Further, a "state or local law enforcement agency or officer shall not refuse to accept an identification card issued by the department unless the state or local law enforcement agency or officer

has reasonable cause to believe that the information contained in the card is false or fraudulent, or the card is being used fraudulently.” (§ 11362.78.)

5. **Non-Cardholders:** When a person claims protection under Proposition 215 or the MMP and only has a locally-issued (i.e., non-state) patient identification card, or a written (or verbal) recommendation from a licensed physician, officers should use their sound professional judgment to assess the validity of the person’s medical-use claim:

a) Officers need not abandon their search or investigation. The standard search and seizure rules apply to the enforcement of marijuana-related violations. Reasonable suspicion is required for detention, while probable cause is required for search, seizure, and arrest.

b) Officers should review any written documentation for validity. It may contain the physician’s name, telephone number, address, and license number.

c) If the officer reasonably believes that the medical-use claim is valid based upon the totality of the circumstances (including the quantity of marijuana, packaging for sale, the presence of weapons, illicit drugs, or large amounts of cash), and the person is within the state or local possession guidelines or has an amount consistent with their current medical needs, the person should be released and the marijuana should not be seized.

d) Alternatively, if the officer has probable cause to doubt the validity of a person’s medical marijuana claim based upon the facts and circumstances, the person may be arrested and the marijuana may be seized. It will then be up to the person to establish his or her medical marijuana defense in court.

e) Officers are not obligated to accept a person’s claim of having a verbal physician’s recommendation that cannot be readily verified with the physician at the time of detention.

6. **Exceeding Possession Guidelines:** If a person has what appears to be valid medical marijuana documentation, but exceeds the applicable possession guidelines identified above, all marijuana may be seized.

7. **Return of Seized Medical Marijuana:** If a person whose marijuana is seized by law enforcement successfully establishes a medical marijuana defense in court, or the case is not prosecuted, he or she may file a motion for return of the marijuana. If a court grants the motion and orders the return of marijuana seized incident to an arrest, the individual or entity subject to the order must return the property. State law enforcement officers who handle controlled substances in the course of their official duties are immune from liability under the CSA. (21 U.S.C. § 885(d).) Once the marijuana is returned, federal authorities are free to exercise jurisdiction over it. (21 U.S.C. §§ 812(c)(10), 844(a); *City of Garden Grove v. Superior Court (Kha)* (2007) 157 Cal.App.4th 355, 369, 386, 391.)

IV. GUIDELINES REGARDING COLLECTIVES AND COOPERATIVES

Under California law, medical marijuana patients and primary caregivers may “associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes.” (§ 11362.775.) The following guidelines are meant to apply to qualified patients and primary caregivers who come together to collectively or cooperatively cultivate physician-recommended marijuana.

A. Business Forms: Any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes should be organized and operated in a manner that ensures the security of the crop and safeguards against diversion for non-medical purposes. The following are guidelines to help cooperatives and collectives operate within the law, and to help law enforcement determine whether they are doing so.

1. **Statutory Cooperatives:** A cooperative must file articles of incorporation with the state and conduct its business for the mutual benefit of its members. (Corp. Code, § 12201, 12300.) No business may call itself a “cooperative” (or “co-op”) unless it is properly organized and registered as such a corporation under the Corporations or Food and Agricultural Code. (*Id.* at § 12311(b).) Cooperative corporations are “democratically controlled and are not organized to make a profit for themselves, as such, or for their members, as such, but primarily for their members as patrons.” (*Id.* at § 12201.) The earnings and savings of the business must be used for the general welfare of its members or equitably distributed to members in the form of cash, property, credits, or services. (*Ibid.*) Cooperatives must follow strict rules on organization, articles, elections, and distribution of earnings, and must report individual transactions from individual members each year. (See *id.* at § 12200, et seq.) Agricultural cooperatives are likewise nonprofit corporate entities “since they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers.” (Food & Agric. Code, § 54033.) Agricultural cooperatives share many characteristics with consumer cooperatives. (See, e.g., *id.* at § 54002, et seq.) Cooperatives should not purchase marijuana from, or sell to, non-members; instead, they should only provide a means for facilitating or coordinating transactions between members.

2. **Collectives:** California law does not define collectives, but the dictionary defines them as “a business, farm, etc., jointly owned and operated by the members of a group.” (*Random House Unabridged Dictionary*; Random House, Inc. © 2006.) Applying this definition, a collective should be an organization that merely facilitates the collaborative efforts of patient and caregiver members – including the allocation of costs and revenues. As such, a collective is not a statutory entity, but as a practical matter it might have to organize as some form of business to carry out its activities. The collective should not purchase marijuana from, or sell to, non-members; instead, it should only provide a means for facilitating or coordinating transactions between members.

B. Guidelines for the Lawful Operation of a Cooperative or Collective:

Collectives and cooperatives should be organized with sufficient structure to ensure security, non-diversion of marijuana to illicit markets, and compliance with all state and local laws. The following are some suggested guidelines and practices for operating collective growing operations to help ensure lawful operation.

1. **Non-Profit Operation:** Nothing in Proposition 215 or the MMP authorizes collectives, cooperatives, or individuals to profit from the sale or distribution of marijuana. (See, e.g., § 11362.765(a) ["nothing in this section shall authorize . . . any individual or group to cultivate or distribute marijuana for profit"].)

2. **Business Licenses, Sales Tax, and Seller's Permits:** The State Board of Equalization has determined that medical marijuana transactions are subject to sales tax, regardless of whether the individual or group makes a profit, and those engaging in transactions involving medical marijuana must obtain a Seller's Permit. Some cities and counties also require dispensing collectives and cooperatives to obtain business licenses.

3. **Membership Application and Verification:** When a patient or primary caregiver wishes to join a collective or cooperative, the group can help prevent the diversion of marijuana for non-medical use by having potential members complete a written membership application. The following application guidelines should be followed to help ensure that marijuana grown for medical use is not diverted to illicit markets:

a) Verify the individual's status as a qualified patient or primary caregiver. Unless he or she has a valid state medical marijuana identification card, this should involve personal contact with the recommending physician (or his or her agent), verification of the physician's identity, as well as his or her state licensing status. Verification of primary caregiver status should include contact with the qualified patient, as well as validation of the patient's recommendation. Copies should be made of the physician's recommendation or identification card, if any;

b) Have the individual agree not to distribute marijuana to non-members;

c) Have the individual agree not to use the marijuana for other than medical purposes;

d) Maintain membership records on-site or have them reasonably available;

e) Track when members' medical marijuana recommendation and/or identification cards expire; and

f) Enforce conditions of membership by excluding members whose identification card or physician recommendation are invalid or have expired, or who are caught diverting marijuana for non-medical use.

4. **Collectives Should Acquire, Possess, and Distribute Only Lawfully Cultivated Marijuana:** Collectives and cooperatives should acquire marijuana only from their constituent members, because only marijuana grown by a qualified patient or his or her primary caregiver may lawfully be transported by, or distributed to, other members of a collective or cooperative. (§§ 11362.765, 11362.775.) The collective or cooperative may then allocate it to other members of the group. Nothing allows marijuana to be purchased from outside the collective or cooperative for distribution to its members. Instead, the cycle should be a closed-circuit of marijuana cultivation and consumption with no purchases or sales to or from non-members. To help prevent diversion of medical marijuana to non-medical markets, collectives and cooperatives should document each member's contribution of labor, resources, or money to the enterprise. They also should track and record the source of their marijuana.

5. **Distribution and Sales to Non-Members are Prohibited:** State law allows primary caregivers to be reimbursed for certain services (including marijuana cultivation), but nothing allows individuals or groups to sell or distribute marijuana to non-members. Accordingly, a collective or cooperative may not distribute medical marijuana to any person who is not a member in good standing of the organization. A dispensing collective or cooperative may credit its members for marijuana they provide to the collective, which it may then allocate to other members. (§ 11362.765(c).) Members also may reimburse the collective or cooperative for marijuana that has been allocated to them. Any monetary reimbursement that members provide to the collective or cooperative should only be an amount necessary to cover overhead costs and operating expenses.

6. **Permissible Reimbursements and Allocations:** Marijuana grown at a collective or cooperative for medical purposes may be:

- a) Provided free to qualified patients and primary caregivers who are members of the collective or cooperative;
- b) Provided in exchange for services rendered to the entity;
- c) Allocated based on fees that are reasonably calculated to cover overhead costs and operating expenses; or
- d) Any combination of the above.

7. **Possession and Cultivation Guidelines:** If a person is acting as primary caregiver to more than one patient under section 11362.7(d)(2), he or she may aggregate the possession and cultivation limits for each patient. For example, applying the MMP's basic possession guidelines, if a caregiver is responsible for three patients, he or she may possess up to 24 oz. of marijuana (8 oz. per patient) and may grow 18 mature or 36 immature plants. Similarly, collectives and cooperatives may cultivate and transport marijuana in aggregate amounts tied to its membership numbers. Any patient or primary caregiver exceeding individual possession guidelines should have supporting records readily available when:

- a) Operating a location for cultivation;
- b) Transporting the group's medical marijuana; and
- c) Operating a location for distribution to members of the collective or cooperative.

8. **Security:** Collectives and cooperatives should provide adequate security to ensure that patients are safe and that the surrounding homes or businesses are not negatively impacted by nuisance activity such as loitering or crime. Further, to maintain security, prevent fraud, and deter robberies, collectives and cooperatives should keep accurate records and follow accepted cash handling practices, including regular bank runs and cash drops, and maintain a general ledger of cash transactions.

C. **Enforcement Guidelines:** Depending upon the facts and circumstances, deviations from the guidelines outlined above, or other indicia that marijuana is not for medical use, may give rise to probable cause for arrest and seizure. The following are additional guidelines to help identify medical marijuana collectives and cooperatives that are operating outside of state law.

1. **Storefront Dispensaries:** Although medical marijuana “dispensaries” have been operating in California for years, dispensaries, as such, are not recognized under the law. As noted above, the only recognized group entities are cooperatives and collectives. (§ 11362.775.) It is the opinion of this Office that a properly organized and operated collective or cooperative that dispenses medical marijuana through a storefront may be lawful under California law, but that dispensaries that do not substantially comply with the guidelines set forth in sections IV(A) and (B), above, are likely operating outside the protections of Proposition 215 and the MMP, and that the individuals operating such entities may be subject to arrest and criminal prosecution under California law. For example, dispensaries that merely require patients to complete a form summarily designating the business owner as their primary caregiver – and then offering marijuana in exchange for cash “donations” – are likely unlawful. (*Peron, supra*, 59 Cal.App.4th at p. 1400 [cannabis club owner was not the primary caregiver to thousands of patients where he did not consistently assume responsibility for their housing, health, or safety].)

2. **Indicia of Unlawful Operation:** When investigating collectives or cooperatives, law enforcement officers should be alert for signs of mass production or illegal sales, including (a) excessive amounts of marijuana, (b) excessive amounts of cash, (c) failure to follow local and state laws applicable to similar businesses, such as maintenance of any required licenses and payment of any required taxes, including sales taxes, (d) weapons, (e) illicit drugs, (f) purchases from, or sales or distribution to, non-members, or (g) distribution outside of California.

EXHIBIT F
REQUIRED FINDINGS OF APPROVAL FOR CONDITIONAL USE PERMITS AND
EXCEPTIONS

Land Use Ordinance Section 22.62.060.C.4

Required findings. The Review Authority shall not approve or conditionally approve a Conditional Use Permit unless it first finds that:

- a. The proposed project or use is consistent with the Land Use Element of the General Plan; and
- b. The proposed project or use satisfies all applicable provisions of this Title; and
- c. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
- d. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and
- e. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project.
- f. Any additional findings required by planning area standards in Article 9 (Community Planning Standards), combining designation (Chapter 22.14), or special use (Article 4).

Land Use Ordinance Section 22.30.020.D

D. Exceptions to special use standards. The standards of this Chapter may be waived or modified through Conditional Use Permit approval, except where otherwise provided by this Chapter and except for standards relating to residential density or limitations on the duration of a use (unless specific provisions of this Chapter allow their modification). Waiver of modification of standards shall be granted only where the Commission first makes findings that:

1. Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective;
Standards for Specific Land Uses 22.30.020
2. Identify the specific standards of this Chapter being waived or modified;
3. The project, including the proposed modifications to the standards of this Chapter, will satisfy all mandatory findings required for Conditional Use Permit approval by Section 22.62.060.C.4.

In no case, however, shall any standard of this Chapter be reduced beyond the minimum standards of the other chapters of this Title, except through Variance (Section 22.62.070). [Amended 1984, Ord. 2163; 1986, Ord. 2250; 1992, Ord. 2553] [22.08.012]

EXHIBIT G
INFORMATION SUBMITTED BY THE APPLICANT FOR COMMISSION REVIEW

Documents on following pages

Alternative Medicine Center

Established 6/08

[Home](#) | [Map](#) | [Direct](#)

C.C.I.C.
Compassionate Cannabis
Information Center, Inc.

Safe, Natural, Alternative Medicine

Call Now!
(877) 522-HERB (4372)

6744 Ave 304 Building 2 Unit 4 Goshen,
CA 93227
(The Green Door)
By Appointment Only



Like 125 people like this.

Safe, Natural, Alternative Medicine

If you seek access to medical marijuana or simply want to [learn more](#) about it, **Compassionate Cannabis Information Center, Inc. (C C I C)** is here to help. We are dedicated to educating people about their rights when using cannabis as a medical therapy. We also provide safe, legal access to those who have received their referral from a doctor.



*With Medical Doctor
Prescription Only*

"We work to empower people to become responsible for the health of their mind, body and spirit by providing and protecting civil rights to choose the best medical options for themselves, their families and the planet. Our mission is to be the custodians of any and all knowledge to alternative medicine to better serve our community and our clients."

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Benefits of Medical Marijuana

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Contact Us

Medical Marijuana
Includes Relief From

Chronic Pain
Anxiety
Loss of Appetite
Glaucoma
Spasticity
Migraine Headaches

[See our Benefits page
for more information](#)

Ave 304 Building 2 Unit 4
Goshen, CA 93227

Phone:
651-4090

Phone:
522-HERB (4372)

By Appointment Only

Quick Links

[SafeAccessNow.org](#)
[CCICPRM.org](#)

<http://www.ccicgoshen.com/>

We are a secure and friendly collective in compliance with the State Attorney General's Guidelines. As a collective, we accept cash and medical cannabis donations. Only those who have a valid doctor's recommendation may enter the dispensary.

Although we may look like a small obscure hole in the wall, we are warm and inviting on the inside. Our inventory changes on a daily basis. We have over 48 different varieties to appease Sativa and Indica lovers alike as well as the best selection of indoor/outdoor in the valley.

Ask us about our selection of hash, butter, sweet treats, topical oil, clones, t-shirts and more.

Although we are prohibited from disclosing specific information on the phone, we can certainly let you know if we have what you're looking for.

In addition to providing free legal defense posters, recipes for cannabis and free brochures, our mission is to educate – so please feel free to ask us any questions.

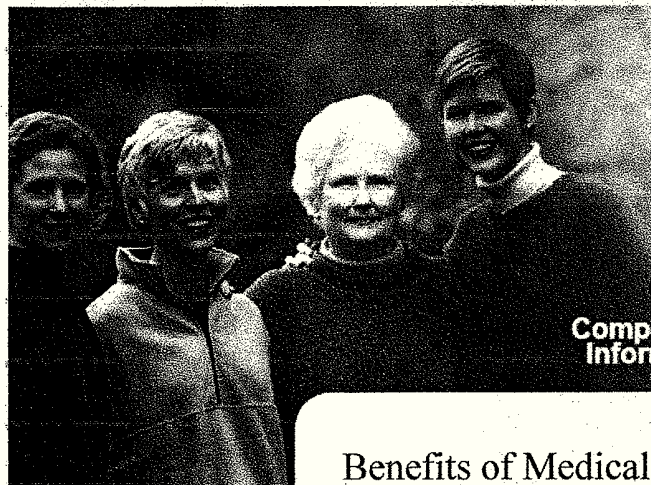
Please browse the rest of our website for more information, or call today to schedule an appointment.

Marijuana is available to patients with a medical doctor's prescription only.



Alternative Medicine Center

Established 6/08

[Home](#) | [Map](#) | [Direct](#)

C.C.I.C.
Compassionate Cannabis
Information Center, Inc.

Safe, Natural, Alternative Medicine

Call Now!
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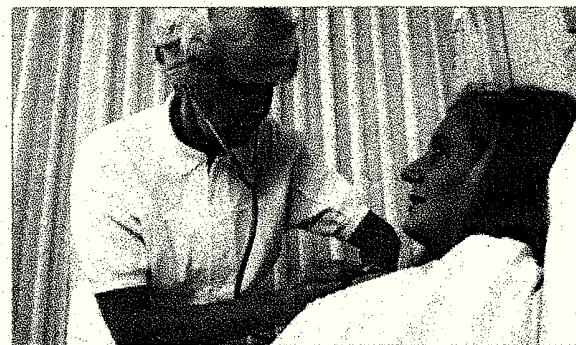
6744 Ave 304 Building 2 Unit 4 Goshen,
CA 93227
(The Green Door)
By Appointment Only

**Benefits of Medical Marijuana**

Benefits of medical marijuana (cannabis) include relief from:

- **Chronic Pain**
 - Rheumatoid Arthritis
 - Fibromyalgia
- **Anxiety**
 - Post Traumatic Stress Disorder, Etc.
- **Loss of Appetite**
 - Cancer Treatments
 - AIDS
 - Hepatitis
 - Anorexia
- **Glaucoma**
- **Spasticity**
- **Migraine Headaches**

Toll-Free:
(877) 522-HERB (4372) **By Appointment Only**
Phone: 6744 Ave 304 Building 2 Unit 4,
(559) 651-4090 Goshen, CA 93227

**Health & Safety Code 11362.5**

The possession, cultivation or transportation of marijuana not unlawful when the acts of the defendant, or a primary caregiver, are authorized by law for compassionate use. The possession, cultivation or transportation of marijuana lawful, where its medical use is deemed appropriate and has been recommended or approved, orally or in writing, by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of an illness.

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Benefits of Medical Marijuana

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ntact Us

Medical Marijuana
includes Relief From

Chronic Pain
Anxiety
Loss of Appetite
Glaucoma
Spasticity
Migraine Headaches

[See our Benefits page
for more information](#)

Compassionate Cannabis Information Center, Inc
522-HERB (4372)

[Home](#) | [Benefits of Medical Marijuana](#) | [Q&A](#) | [CCIS Announcements](#) | [Cont](#)

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Alternative Medicine Center

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Information Center, Inc.

6744 Ave 304 Building 2 Unit 4 Goshen,
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**Q & A**

me

Benefits of Medical Marijuana

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ntact Us

Medical Marijuana
includes Relief From

Chronic Pain
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Glaucoma
Spasticity
Migraine Headaches

[See our Benefits page
for more information](#)

Compassionate Cannabis Information Center is dedicated to educating people about their rights when using Cannabis as a medical therapy. We also provide safe legal access to those who have received their referral by a doctor.

Is Medical Cannabis Right for Me?

Your trusted physician will help you decide if you can be helped by this alternative medicine. Most people find that smoking cannabis is preferable. However, we also provide a wide variety of edibles. Patients are turning to homeopathic medicines to provide natural, organic and less potent therapies compared to what is currently available for ailments like chronic pain and anxiety. For more medical information, please visit: www.medicannusa.com , www.norml.com , www.pcfm.org and www.safeaccessnow.org .

How Do I Get Started?

You will need to make an appointment with a health care professional. If you don't have one or if your doctor is not familiar with cannabis therapy, MediCann will help you find one in your area. They can be contacted on the web at www.medicannusa.com or by phone at (866) 632-6627.

Once you have your referral, you can make an appointment with Compassionate Cannabis Information Center (C C I C) by calling (559) 651-4090. At your first appointment we will make a copy of your original doctor recommendation for our files. You may be asked about the expiration date on each visit.

Help law enforcement identify you as a medical marijuana user. Keep your recommendation with you at all times, so you are prepared if a law officer finds marijuana in your possession.

Please be aware that your doctor recommendations will not allow you to drive under the influence. If you do so, you can be arrested.

6744 Ave 304 Building 2 Unit 4, Goshen, CA 93227

Local: (559) 651-4090

Toll-Free: (877) 522-HERB (4372)

By Appointment Only



Medical Marijuana Doctors in the Central Valley

Jeffrey M King, MD
935 N Gem st.
Tulare, CA 93247
(559) 685-0407

Medicann
2120 North Winery Road #103
Fresno, CA 93727
(866)-632-6627

Bakersfield 420 Evaluations
2317 N. Chester Ave.
Bakersfield, CA, 93308
(888) 379-1151

Dr. Terrill E. Brown
Medical Cannabis of Fresno
(559) 498-3399

Dr. Daniel Bruopaker
3724 North First St.
Fresno, CA 93726
(559) 348-0117

C&A

Compassionate Cannabis Information Center is dedicated to educating people about their rights when using Cannabis as a medical therapy. We also provide safe legal access to those who have received their referral by a doctor.

CCIC is Here to Help

Is Medical Cannabis Right for Me?

Your trusted physician will help you decide if you can be helped by this alternative medicine. Most people find that smoking cannabis is preferable. However, we also provide a wide variety of edibles. Patients are turning to homeopathic medicines to provide natural, organic and less potent therapies compared to what is currently available for ailments like chronic pain and anxiety. For more medical information, please visit: www.medicannusa.com, www.norml.com, www.pcfm.org and www.safeaccessnow.org.

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Help law enforcement identify you as a medical marijuana user. Keep your recommendation with you at all times, so you are prepared if a law officer finds marijuana in your possession.

Please be aware that your doctor recommendations will not allow you to drive under the influence. If you do so, you can be arrested.



TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

Date: January 4, 2010

Compassionate Cannabis Information Center Inc.
c/o Tammy Murray
2945 E. College Avenue
Visalia, CA 93292

Contact Person:
Dawn Brooks
Contact ID Number:
50-25444
Telephone Number:
202-283-8951
Fax Number:
202-283-8937
Employer Identification Number:
90-0421314

Dear Sir or Madam:

Your application for recognition of exemption has been referred to this office because it presents issues that are not entirely clear under established precedent.

We normally work cases based on the date received in the Internal Revenue Service. Due to our current backlog of cases, we are unable to process your case immediately.

Cases can be worked out of the normal order only if the applicant can show compelling circumstances that warrant expedited handling. For example, a case can be worked out of its normal order where the applicant can show the organization needs a determination on exempt status by a specific date to avoid an imminent business emergency. If you believe expedited handling of your case is warranted, you should send a written request explaining your circumstances, either by fax at the number listed in the heading of this letter or by mail at the following address:

Internal Revenue Service
Attn: Rhonda Danzey - SE:T:EO:RA:TPU
1111 Constitution Ave., N.W.
Washington, DC 20224

If you have requested expedited handling, your request will be considered after the case is assigned to a ruling group. At that time, you will be informed in writing about whether expedited handling is approved.

- 2 -

Acknowledgment letter

Thank you for your cooperation. If you have any questions, please contact me at the number indicated in the heading of this letter.

Sincerely,


Manager, Technical Processing Unit
EO Rulings & Agreements



State of California Secretary of State

N**E-G12732****FILED**In the office of the Secretary of
State of the State of California**Jul - 26 2011**

This Space For Filing Use Only

Statement of Information
(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee \$20.00. If amendment, see instructions.

IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**1. CORPORATE NAME**C3103760
COMPASSIONATE CANNABIS INFORMATION CENTER
COMPASSIONATE CANNABIS INFORMATION CENTE
2945 E. COLLEGE
VISALIA CA 93292**Due Date:****Complete Principal Office Address** (Do not abbreviate the name of the city. Item 2 cannot be a P.O. Box.)

| 2. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY | CITY | STATE | ZIP CODE |
|---|------|-------|----------|
| 6744 AVE 304 BLDG B UNIT 4 GOSHEN CA 93227 | | | |

| 3. MAILING ADDRESS OF THE CORPORATION, IF REQUIRED | CITY | STATE | ZIP CODE |
|---|------|-------|----------|
| COMPASSIONATE CANNABIS INFORMATION CENTE 2945 E. COLLEGE VISALIA CA 93292 | | | |

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

| 4. CHIEF EXECUTIVE OFFICER/ | ADDRESS | CITY | STATE | ZIP CODE |
|-----------------------------|--------------------|------------|-------|----------|
| TAMMY MARIE MURRAY | 1409 S. 4TH STREET | OCEANO, CA | | 93445 |

| 5. SECRETARY | ADDRESS | CITY | STATE | ZIP CODE |
|--------------------|---------------|-------------|-------|----------|
| DAVID EVAN SPENCER | 221 N. CONYER | VISALIA, CA | | 93291 |

| 6. CHIEF FINANCIAL OFFICER/ | ADDRESS | CITY | STATE | ZIP CODE |
|-----------------------------|----------------|---------|-------|----------|
| WESTON BLAINE FOX | 4018 W. WALNUT | VISALIA | CA | 93277 |

Agent for Service of Process (If the agent is an individual, the agent must reside in California and Item 8 must be completed with a California street address (a P.O. Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 8 must be left blank.)

| 7. NAME OF AGENT FOR SERVICE OF PROCESS |
|---|
| BUSINESS FILINGS INCORPORATED |

| 8. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL | CITY | STATE | ZIP CODE |
|---|------|-------|----------|
| | | | |

Davis-Stirling Common Interest Development Act (California Civil Code section 1350, et seq.)

9. ☐ Check here if the corporation is an association formed to manage common interest development under the Davis-Stirling Common interest Development Act and proceed to items 10, 11 and 12.

NOTE: Corporations formed to manage a common interest development must also file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code section 1363.6. Please see instructions on the reverse side of this form.

| 10. ADDRESS OF BUSINESS OR CORPORATE OFFICE OF THE ASSOCIATION, IF ANY | CITY | STATE | ZIP CODE |
|--|------|-------|----------|
| | | | |

| 11. FRONT STREET AND NEAREST CROSS STREET FOR THE PHYSICAL LOCATION OF THE COMMON INTEREST DEVELOPMENT | 9-DIGIT ZIP CODE |
|--|------------------|
| (Complete if the business or corporate office is not on the site of the common interest development.) | |

| 12. NAME AND ADDRESS OF ASSOCIATION'S MANAGING AGENT, IF ANY | CITY | STATE | ZIP CODE |
|--|------|-------|----------|
| | | | |

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

07/26/2011

TAMMY MARIE MURRAY

DIRECTOR

DATE

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

TITLE

SIGNATURE

3103760

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

ARTICLES OF INCORPORATION
Compassionate Cannabis Information Center

JUN 05 2008

Article I.

The name of this corporation is: **Compassionate Cannabis Information Center**

Article II.

A. This Corporation is a nonprofit PUBLIC BENEFIT CORPORATION and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for:

☒ **public purposes**

☐ **charitable purposes**

OR ☐ **public and charitable purposes.**

B. The specific purpose of this corporation is to: **Dispensing of Medicinal Cannabis**

Article III.

The name in the State of California of this corporation's initial agent for service of process is:

Name: **Business Filings Incorporated**

Article IV.

This corporation is organized for charitable, religious, educational, and scientific purposes within the meaning of Section 501(c)(3), Internal Revenue Code, including, for such purposes, the making of distributions to corporations that qualify as exempt corporations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Notwithstanding any other provisions of these articles, this corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

A. Murray CCIC
CA 44012118

Article V.

The property of this corporation is irrevocably dedicated to charitable, religious, educational, and scientific purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable, religious, educational, and scientific purposes and which has established its tax exempt status under Section 501(c) (3), Internal Revenue Code.

Business Filings Incorporated, Incorporator



Dated: June 4, 2008

By: Mark Williams, A.V.P.

Compassionate Cannabis Information Center



T. Murray CCIC
90-0421314

BY MATT FOUNTAIN

Tough crowd

A proposed medical marijuana facility will likely face opposition

For the third time in four years, a medical marijuana facility has been proposed in San Luis Obispo County. But whether it will make it past the county Planning Commission is anyone's guess.

On May 25, Grover Beach resident Tammy Murray applied with the county's Department of Planning and Building to open a facility in unincorporated Oceano, she said, because despite several attempts by others, local qualified patients by and large remain without a place to get their medicine.

According to Murray's minor use permit application, the 5,500-square-foot facility would be located in an industrial area on the 1400 block of South Fourth Street in northern Oceano, fitted with security cameras and staffed by a full-time guard.

Perhaps fittingly, escrow closed on the property April 20.

Murray, who served from 1987 to 1991 as a load master for the U.S. Air Force, moved to Grover Beach in late 2009. She traveled the world while serving her country, she said, and followed that with various careers in finance and public education before opening Compassionate Cannabis Information Center, Inc. in Goshen, a small town north of Bakersfield, in 2008.

Recent incidents involving medical marijuana in SLO County didn't deter Murray from pursuing a facility here, but rather inspired her—despite the fact that a huge Narcotics Task Force operation in January led to the arrests of 12 local mobile delivery collective members who claimed to have been following the law.

Murray said she's used her experience at the Goshen club to emphasize the benefits of medicinal cannabis to veterans suffering from painful rehabilitation and post-traumatic stress disorder, the symptoms of which she said can be greatly reduced by the effects of marijuana when other treatments have failed.

The club's marijuana would be provided on a consignment basis from local qualified farmers, a business model that worked for the Goshen location—a club that has stayed "legitimate," while others in the area have been shut down, according to Murray.

"It is a challenge [to run a club] because of all the compliance issues, but I pay my taxes every month, make sure the reports are done, manage all the people on my staff, and I always make sure we're being diligent," Murray said. "I run a pretty tight ship."

Should Murray's proposal get off the ground, she will likely have an uphill battle ahead of her. In 2007, the county Board of Supervisors voted to allow medical marijuana dispensaries within county territory, but no project has ever been approved.

County code dictates that dispensaries can't be located within central business districts, nor may they operate within 1,000 feet of schools or other locations oriented toward minors. Given the legal uncertainty surrounding safe access laws, many SLO County cities have either voted to ban dispensaries within their limits or declared they just aren't interested. That's why Murray is pursuing her club in unincorporated territory; the county has

already said it will allow them, she said.

In 2010, despite what he called "careful research," Bob Brody, a Los Angeles businessman and qualified marijuana patient, had a similar proposal for Nipomo shot down based on the location's proximity to a part-time gymnastics studio, which Brody wasn't aware of. Though the studio only operated a few hours a day, it did so 92 (aerial) feet from his proposed dispensary's door.

The county turned down his proposal, encouraged by the vocal citizenry and Sheriff's Department personnel who turned out to decry the project.

A similar proposal for Templeton in 2007 by Atascadero resident Kent Connella was also denied. Though Connella declined to be interviewed for this article, he told *New Times* the process was "very frustrating."

Senior County Planner Bill Robeson, who was assigned to Connella's and Brody's applications—and now Murray's—told *New Times* that from the county's perspective, there are straightforward regulations in place for every application.

"They're looked at on a case-by-case basis," Robeson said.

Robeson observed, however, that a major hurdle remains public outcry from residents who don't want to see a medical marijuana facility in their own backyard. However, Robeson said that during the past projects, he spoke with officials from other jurisdictions to see if repeated claims that dispensaries bring an increase in crime had merit.

"During the Templeton and Nipomo applications, I had a number of conversations with Santa Barbara city staff—they have quite a few—and from what I learned, they were being run correctly," Robeson said, adding he even spoke with the city's police chief, who reported there weren't any incidents at that time.

"It's just ridiculous. All the facts get misconstrued, like when you tell a joke down the line—by the time it gets back to you it's all jumbled," Brody said of alleged misinformation surrounding dispensaries.

Murray said she's reached out to neighbors of the Oceano building, and law enforcement officials such as Sheriff Ian Parkinson, to whom she wrote a letter in January. Parkinson, elected in late 2010, hasn't been faced with a proposed medical marijuana facility in his term.

"I feel that Parkinson has compassion in his heart and is a very keen leader who listens," she said. "I think there were other leaders who didn't want to listen, who only saw things in black and white, and medical marijuana is in this gray area right now."

Following a decision from the Department of Planning and Building, Murray's proposed project could go before the county Planning Commission, where public testimony could be taken on the matter. The commission could accept, reject, or modify the project. Any way it plays out, interested parties could then file an appeal, which would be heard by the Board of Supervisors. A

Staff Writer Matt Fountain can be reached at mfountain@newtimeslo.com.

Authorities crack down on state's burgeoning medical marijuana industry

By George Lurie

Federal, state and county authorities are turning up the heat on the budding medical marijuana industry — a development that has suddenly clouded the future for local med-pot operations.

Last week, state officials began threatening to shut down a select group of big-city medical marijuana

dispensaries, sending letters to landlords warning that if they do not stop sales within 45 days, they could face property seizure and even jail time. Dispensaries in close proximity to schools, parks and businesses attracting a large number of children were specifically targeted.

"It is important to note that for-profit, commercial marijuana operations are illegal not only under federal law, but also under California law," said U.S.

Atty. André Birtle Jr., adding that the proliferation of so-called pot shops around the state "is not what California voters intended or authorized."

The stepped-up enforcement efforts have surprised the state's medical marijuana community. "It's coming out of left field as far as we're concerned," said Joe Elford of Americans for Safe Access, a group that advocates for medical marijuana use. "It's a complete about-face from what [Obama] said when he was campaigning."



See MARIJUANA page 5

MARIJUANA from page 1

Tulare County Supervisor Phil Cox said this week that he has "no real problem" with someone growing one or two plants for their personal medical use. "But a lot of people are taking advantage" of the ambiguity in med pot laws, Cox added. "I've been to grow sites and seen as many as 99 plants that someone claimed were for their personal use. To need that much marijuana, they'd have to be smoking a joint every two minutes 24 hours a day."

Cox said many people involved in the medical marijuana industry are "bending the law to cloak illegal drug sales and huge profits."

Last week in Fresno County, two rural dispensaries were closed and law enforcement officials confiscated more than half a million in cash and a number of weapons.

In 1996, after voters approved the Compassionate Use Act, California became the first state in the nation to legalize marijuana for medical uses. While med pot is now legal in 16 states, it remains a federal crime to possess and sell marijuana.

In Tulare County, any resident with a county-approved medical marijuana card can grow a limited amount for personal use. But high-profile storefront dispensaries like the hundreds that now exist in cities like Los Angeles, San Diego and San Francisco have not been allowed in the county and a number of cities, including Visalia, have passed ordinances prohibiting the commercial sale of medical marijuana within city limits.

Med pot growers and sellers in Tulare County have been decidedly low profile. No flashing neon-lit marijuana leaf signs outside dispensaries or splashy advertisements in local publications. Still, in recent years, med pot operations have been a target for robberies and in several cases, fatal shootings have occurred at legal Valley grow sites.

Earlier this year law enforcement officials, including the district attorney's office and the sheriff's department, began stepping up their efforts to more rigorously enforce medical marijuana zoning and operational guidelines and restrictions.

Board of Supervisors Chairman Mike Ennis has called out-of-compliance medical marijuana grow operations "a major threat to the public safety of county residents. It's time we put some teeth into these laws," said Ennis at this week's Board of Supervisors meeting.

According to the Tulare County Health and Human Services department, only about 45 Tulare County residents currently have active medical

marijuana cards, which are only issued under doctor's orders and must be renewed every year, at a cost of \$168 – or \$84 for those with Medical insurance coverage.

Jed Chernabaeff, a spokesman for the Board of Supervisors, said this week that only one medical marijuana business in unincorporated Tulare County, the Compassionate Cannabis Information Center, located in Goshen, "is operating legally right now."

A clerk who answered the phone at the Goshen facility earlier this week said the owner was declining requests to talk to the media. "We're just trying to lay low with everything that's going on right now," he said.

Last week, a superior court judge removed a temporary restraining order that had been preventing county officials from shutting down a controversial med-pot co-op located in an unincorporated area north of Visalia.

That co-op, run on a three-and-a-half acre farm leased by Richard Daleman, is one of a handful of grow sites targeted by the county in recent months.

The restraining order protecting Daleman's co-op, which was issued in mid-September, was lifted late last week after County Counsel Kathleen Bales-Lange told the judge that the

county was not planning on raiding the co-op and instead would pursue a "remedy" in civil court.

In an interview this week, Daleman stressed that he does not grow medical marijuana himself and is only "providing safe and reasonable access for those who want to grow."

Tulare County's existing medical marijuana ordinance requires that the plant be grown in enclosed structures and that grow sites and dispensaries be located on commercially zoned land. County officials say Daleman's co-op violates the ordinance because the 40 or so members of the group are growing marijuana on ag land that is not zoned for commercial use.

Earlier this year, county law enforcement officials used a similar argument to shutter Foothill Growers Association, Inc., another med pot co-op located near Ivanhoe.

Daleman, who has been living on the grounds of the co-op for a year and has a lease-purchase agreement with the property owner, said after the restraining order was lifted, he was given a three-day eviction notice last week. He believes his landlord is "being pressured by the county" to evict him.

"I'm fighting my landlord and contending that I'm entitled to at least

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60 days' notice," said Daleman, adding: "We've already got a clean bill of health from the sheriff's department with regard to any criminal issues. But, supposedly, we are still not legal with the county ordinance. It looks like the county wants to close everybody down."

Daleman characterizes current medical marijuana laws as "very, very complicated. There's some definite can and can't dos, but also a lot of gray areas."

Across the state, a number of community groups opposed to medical marijuana have praised the government's apparent policy shift.

"This kind of leadership will make our communities and kids safer," said John Redman of Californians for Drug Free Youth.

"The medical marijuana laws were meant to serve the very sick," said Gabrielle Antolovich, executive director of a California citizen's group called Voices United. "However, it seems that anyone can purchase a card and marijuana. It is creating a new social norm and message to young people that marijuana is like an over-the-counter drug used for aches and pains and whatever minor ailment you may have. It's time we stop buying and selling drugs under the guise of medicine."

Department recently destroyed two major marijuana grows in Los Padres National Forest, the first in a number of expected efforts to come as the illegal harvest season begins to bear fruit, so to speak.

Sheriff's Department spokesman Drew Sugars confirmed July 25 that the department—in conjunction with the U.S. Department of Justice, the U.S. Forest Service, and other law enforcement agencies—removed 18,378 plants in two separate locations near the San Antonio Creek and the Romero Canyon areas.

The Department of Justice has appraised the psychedelic plants at \$36,756,000—what the department considers the pot's street value—at approximately \$2,000 per plant.

No arrests were made in the operation, however, because the cultivators were long-gone by the time authorities reached the locations, something Sugars said is typical in such an operation.

In addition to the marijuana, authorities confiscated approximately 1,000 pounds of hazardous fertilizers, chemicals, and trash abandoned at the sites.

Sugars said the Los Padres National Forest in Santa Barbara County has become a hotbed for remote marijuana grows in previous years, and the amount of marijuana seized in the area has steadily increased over the past few years. Though this particular eradication effort yielded a particularly large catch, Sugars said the department expects this year to produce the first decline in the amount of marijuana seized—not because growers have stepped down their efforts, he explained, but because there are fewer resources available to local law enforcement agents to combat the growers in this cash-strapped budget year.

Authorities say large-scale marijuana cultivation is a major problem in Los Padres, one that threatens the safety of visitors, as well as the environment. The La Brea fire in 2009, which burned more than 90,000 acres in Northern Santa Barbara County, has been blamed on an illegal campfire at a marijuana grow.

Sugars said a pair of backpackers in Cuyama Valley recently stumbled upon a grow and were subsequently followed back to their car by two



ERADICATED! The Santa Barbara County Sheriff's Department kicked off the illicit harvest season by destroying more than 18,000 marijuana plants in remote areas of the Los Padres National Forest. Authorities have discovered an increasing number of grows in past years, but expect budget woes to significantly block their efforts in this fiscal year.

individuals who were later arrested but released for lack of evidence.

He said evidence collected at the crime scenes, as well as information provided by eyewitnesses, suggests many of the growers appear to be Mexican nationals with possible ties to drug cartels.

"It appears it might be easier to get people across the border than drugs," Sugars said.

The department encourages people who witness any suspicious activity, including individuals packing in large amounts of food or irrigation equipment, to contact the sheriff's office at 681-4175, or e-mail weedinfo@sbsheriff.org.

—Matt Fountain

Local business owner plans to open a new medical marijuana dispensary in Oceano

The latest buzz in pot-related news on the Central Coast is that a local business owner is trying to open a medical marijuana dispensary.

Tammy Murray moved to the area about a year ago from Goshen in the Central Valley, where she owned and operated a club called Compassionate Cannabis Information Center, Inc.

Murray said she refers to her business as a club to avoid any legal uncertainty. She submitted her paperwork for a minor use permit in May, and is still waiting for approval.

In a recent interview with the *Sun*, Murray said she decided to open a similar club in San Luis Obispo County after reading about the Narcotics Task Force raiding local mobile collectives and

arresting 12 people.

"That prompted me to think, 'People really need a safe access point for the distribution of medical marijuana,'" she said.

So Murray started looking at real estate.

"It was hard to find a place," she said, explaining that county code compliance mandates that dispensaries be located at least 1,000 feet away from schools and other areas where youth congregate. They also can't be located in central business districts.

But after a lot of searching, she finally found a place in the 1400 block of South Fourth Street in Oceano. Escrow closed on the property on April 20 of this year.

"It's a good central location," Murray said, adding that she's already reached out to residents and business owners in the immediate area. "We're doing things the right way and for the right reasons."

Of course, some people in the community—including law enforcement and county government officials—still have concerns, specifically that the dispensary would attract criminals to the area.

But Murray said she's confident her business will "attract the right kind of people."

"We're going to be catering primarily to disabled veterans and people with [medical marijuana] cards," she said. "The people who need medical marijuana are really underrepresented. When you're in pain or having anxiety, the last thing you want to do is speak in front of people. ... I want to speak for those people."

Murray has first-hand knowledge of what she says are the benefits of marijuana. A retired U.S. Air Force veteran, Murray said she suffers from tinnitus and residual pain from a service-related ankle injury.

"I've been a homeopathic practitioner for over 20 years," she said, adding that she believes in taking medication that's organic rather than "something that's made out of synthetic chemicals that your body can't process."

Employees at the San Luis Obispo County Department of Planning and Building didn't return phone calls as of press time.

When asked about the proposed club, SLO Sheriff's Department spokesman Rob Bryn said,

NEWS continued page 8

Weekend Weather

Central Coast Weather Expert Jim Byrne

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SAN LUIS OBISPO COUNTY, CALIFORNIA

THURSDAY, JULY 24, 2011

IN LOCAL, B1

HOME SALES, MEDIAN FALL

Sales streak in SLO County comes to an end in June

UPFRONT | IN TICKET, F3

FROM MORRO BAY TO GRANDSTAND

Greg Garman makes 'The Scene' with Selena Gomez

IN SPORTS, S1

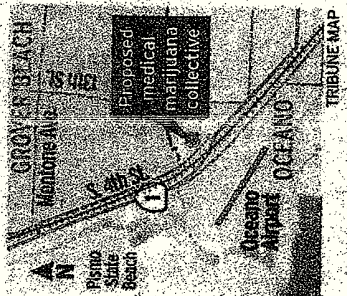
NFL LOCKOUT STILL GOING

Players have yet to vote on agreement with owners



SOUTH COUNTY

Oceano pot collective proposed



By CYNTHIA LAMBERT
clambert@tribunenews.com

If an Oceano property owner's plan to open a medical marijuana collective in the South County community is approved, it would be the first such business operating in San Luis Obispo County.

The proposal could also become a litmus test for the

Medical marijuana shop would be new sheriff's first foray into contentious issue

new administration of the county Sheriff's Department, which under its predecessor opposed medical marijuana facilities. And it could perhaps show whether county supervisors, who voted four years

ago to allow medical marijuana facilities, will ever approve one. Tammy Murray, owner of Compassionate Cannabis Information Center in Goshen, southeast of Fresno, wants to open a similar

by named collective at 1409 S. Fourth St.

Like at her Goshen business, which opened in 2008, the medical marijuana would be provided on a consent basis by farmers, who would also be members of the collective.

Murray said Wednesday

See MARIJUANA, A5

MURDER TRIAL

Officer was not in road when hit, expert says

Investigator testifies Oswald was struck at about 80 mph while standing by his car

Marijuana

From Page A1

she wants to provide safe access to medical marijuana to those with a legitimate need and a physician's recommendation, with an emphasis on disabled veterans and those who experience complications from standard medications.

If history is any judge, Murray faces an uphill battle. Since the county board of supervisors approved rules allowing medical marijuana facilities in 2007, only three people have submitted plans, including Murray — and the two previous applicants received little support.

Last year, county supervisors rejected a medical marijuana dispensary in Nipomo, in part because it would have been close to a gymnastics studio. In 2008, they shot down a dispensary planned for Templeton.

Former county Sheriff Pat Hedges opposed both of the plans. Murray's application is the first to come under Sheriff Ian Parkinson's tenure, who said earlier this year he's researching the legal arguments surrounding medical marijuana and wants to help people comply with the law.

"If they're going to make an ordinance and make it a legal thing here, they need to allow those of us who comply," Murray said.

Medical marijuana facilities have not fared well in the county's seven cities either; most have rules in place banning them.

A dispensary in Morro Bay that opened in 2006 was closed about a year later after sheriff's and federal Drug Enforcement Agency officials raided it and said they found federal and state violations. However, voters in that city narrowly defeated a proposal to ban dispensaries in November.

Oceano proposal

Murray, a Grover Beach

resident, submitted an application to the county planning department in May, and it is still being reviewed. The Oceano Advisory Council, which advises planners and supervisors on projects and developments, has received an update on the proposal but has not yet made a recommendation.

However, Advisory Council Chairwoman Barbara Mann said she opposes it because she's concerned it will attract those looking to rob the business.

"I don't object to people smoking marijuana for medical reasons," she said. "I just don't think it's a good location. This is a disadvantaged community, and I think it needs to be someplace else."

Murray's application will be heard in several months, either at a planning department hearing — at which a staff member would consider approval — or before the Planning Commission.

County senior planner Bill Robeson said Murray's application appears to meet the county's land-use rules for medical marijuana facilities, which have to be located at least 1,000 feet from any school, library, playground, recreation or youth center. They also have to have a security plan that includes lighting, video cameras and an alarm system.

Murray's business would be located more than 2,200 feet from Oceano Elementary School in an area zoned for light industrial uses. Her 931-square-foot residence is surrounded by a sprinkling of homes and mini-storage facilities. About half would be converted into the business; the rest would remain a residential area for an on-site caretaker.

"I don't agree with young people smoking marijuana while their brains are developing or using it recreationally," Murray said. "I'm doing this in the right way for the right reasons."

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OPINION

CALL: 735-3277 • FAX: 735-3399 • E-MAIL: editorial@visaliatimesdelta.com

First Amendment quote

"In every country, press freedom boils down to ... a three-way deal between state power and popular instinct and the media's muscle."
— Geoffrey Robertson, lawyer, 1997

Cannabis is safe and effective

As the director and chief executive officer of Compassionate Cannabis Information Center, I feel compelled to address my community about this business.

It is my sincere wish that the Visalia community and residents throughout the Valley could see that medical marijuana use is not a black and white issue, but a gray one.

This issue has been hotly debated, even among our law enforcement, and the law still exists in a gray area, and most certainly will be in front of several judges across the state.

I believe in what I am doing, and I feel it is a noble cause. The medical marijuana community consists of people who believe in natural remedies over ones made by a biochemist in a lab. Our enemy should not be our local community; it should be the big drug companies that make drugs that harm people. You see on television, commercials for law firms who are raising class action law suits for medications that cause damage to people from adverse side effects.

Marijuana is a proven, safe drug that causes people to relax, eat, drink and sleep. It is difficult to hear people say that it is harmful when there is no evidence for this.

We should not abandon a medical practice for fear of a few abuses. There are



TAMMY MURRAY
Medical marijuana

abuses of several pain medications, including Vicodin, morphine, Soma, codeine, etc., but no one is talking about this. These drugs are harmful, and marijuana is not. A person who continually takes these medications will undoubtedly have liver, kidney and pancreas problems. Instead of hearing a drug counselor who has struggles with his own addictions and lacks real medical knowledge, listen to a bona fide doctor. I have yet to find one who will say marijuana is harmful.

The link that many people are making for its harm effect is that it could be a gateway drug. It is true that if people have addictive personalities, they will flush their lives away with their addictions. If a person starts out sniffing paint, should we do away with all paints?

I do not advocate that any medications be given to our youth unless they need it to live. I believe in protecting our young minds from any medications. It is interesting to me that the same people who are against medical marijuana are the

same people giving Ritalin (ADHD medication) to their children and taking sedatives for themselves.

Be wary of what is in your medications. It is most likely more harmful than good. Meanwhile, the drug companies who are making it will get rich while you will suffer from adverse side effects.

I was inspired to open Compassionate Cannabis Information Center while waiting for a doctor at Fresno's Veterans Hospital. I sat next to a man who had taken shrapnel internally and could not take pain medications because of his compromised digestive system. The only thing that could relieve his pain was smoking marijuana.

Not only is marijuana a safe and effective pain medicine, it is also extremely effective against psychological disorders. No chemical-laden drug can relieve post-traumatic stress disorder as marijuana does. Historians will agree that during the Vietnam War, the soldiers who endured what they saw, felt and were a part of, were more easily overcome by use of marijuana. The soldiers who smoked marijuana did well compared with others who did not take this drug.

It takes courage to see an issue from another point of view. If I were God, I would support a natural remedy versus one that is man-

made with obvious harmful side effects.

It is my sincere hope that Visalia and the Valley's residents will see this issue differently and allow me to conduct my business.

If the members of my association have to buy marijuana from the streets, it will be more costly for them and dangerous because now the drug will be in the hands of people who are doing it illegally and with that comes more crime.

If the collectives are allowed to exist, there can be more control over who has access to this drug. My staff and I are very careful not to allow anyone who doesn't have a prescription to have access to marijuana. I, too, have questioned the validity of some members of my association on the need for marijuana, but that is something to take up with the doctors not the collectives.

Safe access to obtain medical marijuana will keep our community safer, because the people who use it will go home and stay in a condition of sedation instead of out in the community seeking it out or stealing for it. This is what will be the consequence of the new ordinance.

► Tammy Murray is director and chief executive officer of Compassionate Cannabis Information Center Inc. in Visalia.